

SAN FRANCISCO PUBLIC LIBRARY



3 1223 11171 9424



5 / S


*San Francisco Public Library*

Government Information Center  
San Francisco Public Library  
100 Larkin Street 5<sup>th</sup> Floor  
San Francisco, CA 94102

REFERENCE BOOK

*Not to be taken from the Library*





Digitized by the Internet Archive  
in 2017 with funding from  
San Francisco Public Library

<https://archive.org/details/agendaminutescit2010sanf>



January 4, 2010 Legislation and Policy Committee

**SMALL BUSINESS COMMISSION  
Legislation & Policy Committee  
NOTICE OF MEETING & AGENDA**

**January 4, 2009**

**3:30 A.M. – 5:30 P.M.**

**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**COMMITTEE MEMBERS:**

Commissioners Janet Clyde, Chair

Commissioner Richard Ventura

Regina Dick-Endrizzi, Executive Director

GOVERNMENT  
DOCUMENTS DEPT.

MAY 24 2016

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the January 4, 2010 Legislation & Policy Committee meeting.
2. Approval of November 23, 2009 Meeting Minutes (Action Item)
3. Discussion and possible action to make recommendations the Small Business Commission on File No. 091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums.] (Discussion and Possible Action)
4. Discussion and possible action to make recommendations the Small Business Commission on File No. 091163 [Payroll Expense Tax; Exclusion for Certain Employers Under the Health Care Security. (Discussion and Possible Action)]
5. Discussion and possible action to make recommendations the Small Business Commission on File No. 091251 [Development Fee Collection Procedure; Administrative Fee] Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefit benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings. (Discussion and Possible Action)
6. Discussion on File No. 091211 [Carryout Bag Rebate Ordinance] Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2001 through 2005, entitled "Carryout Bag Rebate Ordinance," to require stores in the City and County of San Francisco to provide a rebate to customers for bringing their own carryout bags and to provide penalties for violations. Legislative Sponsor: Supervisor Mirkarimi presented. (Discussion Item)
7. Discussion on File No. 091271 [Zoning - Amending Planning Code to Create a Comprehensive and Consistent Set of Street Frontage Controls] Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion Item)
8. Review and discussion of the SFMTA - Proposed Extension of Hours for Parking Meters (Discussion and possible action item)
9. Proposed Policy of Setting Limits to the Density of Tobacco Permits in SF. (Discussion and Possible Action)
10. Review and discussion on projected policy matters regarding Restaurants and legislative matters as projects of the Small Business Commission. (Discussion item)
11. Discussion and update on legislation reviewed by the Small Business Commission. (Discussion and possible action item)
12. New Business - allows committee members to introduce new agenda items for future consideration by the committee.
13. Adjournment

\*Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Regina Dick-Endrizzi at (415) 554-6481 to make arrangements for pick up or review.

**Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4625

Office: (415) 554-7724

Fax: (415) 554-5163

E-Mail: [word@sfgov.org](mailto:word@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

*Cell Phones and/or Sound-Producing Electronic Device Usage at Hearings*

Effective January 21, 2009, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight-Noriega and the P lines to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Public Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**



**March 22, 2010**  
**4:00 P.M. – 6:00 P.M.**

**CITY HALL, ROOM 421**  
1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**GOVERNMENT**  
**DOCUMENTS DEPT**

**COMMITTEE MEMBERS:**

Commissioner Janet Clyde, Chair

Commissioners Richard Ventura, Irene Yee Riley

Regina Dick-Endrizzi, Executive Director

**MAR 19 2010**

**SAN FRANCISCO**  
**PUBLIC LIBRARY**

1. Roll call for the March 22, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 4, 2010 meeting. (Action)
3. Discussion and possible action to make recommendations the Small Business Commission on File No. 091443 [Prohibition on sitting or lying on public sidewalks.] (Discussion and Possible Action)
4. Discussion and possible action to make recommendations the Small Business Commission on File No. 100104 [Cell Phones; Retailers' Duty to Disclose Radiation Levels.] (Discussion and Possible Action)
5. Discussion and possible action to make recommendations the Small Business Commission on File No. 100103 [Prohibition on Tobacco Sales within 1,000 feet of a School] (Discussion and Possible Action)
6. Discussion on the passing of File No. 091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums.] (Discussion Item)
7. Preparation and discussion for DPH and PUC permit and license fees scheduled for discussion at the April 12 commission meeting. (Discussion Item)
8. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
9. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

**SMALL BUSINESS COMMISSION**  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

**REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR**

**SMALLBUSINESS COMMISSIONERS**  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA



Phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices *(67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).*

#### **Accessible Meeting Policy**

The Regular Commission Meeting is in Room 421 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

#### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

#### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALLBUSINESS COMMISSIONERS  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
GUS MURAD  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA



**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**

**April 6, 2010**  
**1:30 P.M. – 3:30 P.M.**

**CITY HALL, ROOM 416**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Richard Ventura, Co-Chairs

APR - 2 2010

Commissioner Irene Yee-Riley

Regina Dick-Endrizzi, Executive Director

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the April 6, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 4, 2010 and March 22, 2010 meetings. (Action)
3. Discussion and possible action to make recommendations to the Small Business Commission on File No. 100104 [Cell Phones; Retailers' Duty to Disclose Radiation Levels.] (Discussion and Possible Action)
4. Discussion and possible action to make recommendations to the Small Business Commission on File No. 090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings.] (Discussion and Possible Action)
5. Discussion and possible action to make recommendation to the Small Business Commission on File No. 100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts.] Discussion and Possible Action.
6. Discussion and possible action to make recommendations to the Small Business Commission on File No. 091443 [Prohibition on sitting or lying on public sidewalks.] (Discussion and Possible Action)
7. Preparation and discussion for DPH and PUC permit and license fees scheduled for discussion at the April 12 commission meeting. (Discussion Item)
8. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
9. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALLBUSINESS COMMISSIONERS  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA

Phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

#### **Accessible Meeting Policy**

The Regular Commission Meeting is in Room 421 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

#### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

#### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSIONERS  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
GUS MURAD  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA



**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**

GOVERNMENT  
DOCUMENTS DEPT

**April 26, 2010**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 400**

APR 23 2010

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Richard Ventura, Co-Chairs

Commissioner Irene Yee-Riley

Regina Diek-Endrizzi, Executive Director

1. Roll call for the April 26, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 4, 2010 and April 6, 2010 meetings. (Action)
3. Discussion and possible action to make recommendations to the Small Business Commission on File No. 100434 [Castro Street Neighborhood Commercial District-Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments] (Discussion and Possible Action)
4. Discussion, update and staff direction on legislation previously reviewed by the Small Business Commission. Including, but not limited to File no. 100233 [Prohibition on sitting or lying on public sidewalks] and File no. 100103 [Prohibition on Tobacco Sales within 1,000 feet of a School] (Discussion and Possible Action)
5. Preparation and discussion for PUC, Police, DBI, Planning, and Entertainment permit and license fees scheduled for discussion at the May and June Commission meetings. (Discussion)
6. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
7. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSIONERS  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Norica and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

**SMALL BUSINESS COMMISSION**  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

**SMALLBUSINESS COMMISSIONERS**  
DARLENE CHIU  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY  
RICHARD VENTURA



May 24, 2010 Legislation and Policy Committee

GOVERNMENT  
DOCUMENTS DEPT

MAY 24 2010

SAN FRANCISCO  
PUBLIC LIBRARY

**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**

**May 24, 2010**

**4:00 P.M. – 6:00 P.M.**

**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Richard Ventura, Co-Chairs

Commissioner Irene Yee-Riley

Regina Dick-Endrizzi, Executive Director

1. Roll call for the May 24, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 4, 2010 and April 24, 2010 meetings. (Action)
3. Discussion and possible action to make recommendations to the Small Business Commission on File No. 100104 [Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values.] Substitute legislation, dated 5/18/2010) Presentation by Deborah Raphael, Department of Environment (Discussion and Possible Action)
4. Discussion and possible action to make recommendations to the Small Business Commission on File No. 100574. [General Plan Amendments – Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project] (Discussion and Possible Action)
5. Discussion and possible action to make recommendations to the Small Business Commission on File No. 100363. [Revising Board of Appeals Surcharges] (Discussion Item Only)
6. Update, discussion and possible action on File No. 100233 [Prohibition on Sitting or Lying on City Sidewalks.] (Discussion and Possible Action)
7. Update, discussion and possible action on File No. 100529 [Creation of Neighborhood Community Justice Task Force.] (Discussion and Possible Action)
8. Update on status of legislative matters heard by the Small Business Commission. (Discussion Item Only)
9. Review list of legislation before to the Small Business Commission to schedule for future hearing dates. (Discussion and Possible Action)
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

**Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sott@sfgov.org](mailto:sott@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.







**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**



**June 28, 2010**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**GOVERNMENT  
DOCUMENTS DEPT**

**COMMITTEE MEMBERS:**

**JUN 28 2010**

Commissioner Kathleen Dooley, Chair  
Commissioner Irene Yee-Riley  
Regina Dick-Endrizzi, Executive Director

**SAN FRANCISCO  
PUBLIC LIBRARY**

1. Roll call for the June 28, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the April 26, 2010 and May 24, 2010 meeting. (Action)
3. Presentation and possible action to support Pet Store merchants regarding their efforts to maintain their businesses. Merchants in the Fillmore and Inner Richmond, primarily merchants of smaller, locally owned independent pet stores and groomers and other merchants are working to prevent their businesses from possible closure. Presentation by Bobby Wise, George (Discussion and Possible Action)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100865 [Establishing an Alcohol Mitigation Fee.] Explanatory Document: BOS File No. 100865 (Discussion and Possible Action)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100804 [Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of Child Care Facilities.] Explanatory Document: BOS File No. 100804 (Discussion and Possible Action)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100639 [Permits for Commercial Parking Garages and Lots.] Explanatory Document: BOS File No. 100639 (Discussion and Possible Action)
7. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100662 [Tax Increment Allocation Pledge Agreement for the Candlestick Point and Phase 2 of the Hunters Point Shipyard Project.] Explanatory Document: BOS File No. 100662 (Discussion and Possible Action)
8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100759 [Parking Tax Increase and Tax on Valet Services.] Explanatory Document: BOS File No. 100759 (Discussion and Possible Action)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.551.6481  
415.558.7844

SMALL BUSINESS COMMISSIONERS  
DARLENE CHIU  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

JANET CLYDE  
LUKE O'BRIEN  
IRENE YEE-RILEY



9. Discussion on Board of Supervisors File No. 100725 [Establishing Automated Point-of-Sale Systems Registration, Inspection and Reinspection Requirements and Fees] Explanatory Document: BOS File No. 100725 (Discussion)
10. Discussion on Board of Supervisors File No. 100671 [Smoking Prohibition Signage Requirement] Explanatory Document: BOS File No. 100671 (Discussion)
11. Update on status of legislative matters heard by the Small Business Commission. (Discussion)
12. Update and discussion on the departments 2010/211 budget. (Discussion)
13. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
14. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
H15.554.6481  
H15.558.7844

SMALL BUSINESS COMMISSIONERS  
DARLENE CHIU  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

JANET CYDE  
LUKE O'BRIEN  
IRENE YEE RILEY

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, committees and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision. The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible Bay Area Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Muni stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-41142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://ethics.sfgov.org>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.551.6481  
415.558.7844

SMALL BUSINESS COMMISSIONERS  
DARLENE CHIU  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

JANET CYRIL  
LUKE O'BRIEN  
IRENE YERLEY





**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING & AGENDA**



**July 26, 2010**  
**5:00 P.M. – 7:00 P.M.**  
**CITY HALL, ROOM 400**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Chair  
Commissioner Irene Yee Riley  
Regina Dick-Endrizzi, Executive Director

1. Roll call for the July 26, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the April 26, 2010 and June 28, 2010 meetings. Explanatory Documents: Draft minutes from the April 26, 2010 and June 28, 2010 meetings. (Action Item)
3. Discussion on Board of Supervisors File No. 100865 [Establishing an Alcohol Mitigation Fee.] Explanatory Documents: BOS File No. 100865 and report titled, "The Cost of Alcohol to San Francisco: Analyses Supporting an Alcohol Mitigation Fee." (Discussion Item)
4. Presentations on the Commission of Animal Control & Welfare's proposal to recommend to the Board of Supervisors that they pass an ordinance prohibiting the sale or transfer of dogs, cats, and possibly other small animals (including hamsters, rats, mice and guinea pigs, and chinchillas) and birds in companion animal (pet) stores. Presentations by Rebecca Katz, Director Animal Care and Control, Philip Gerrie, Commissioner, Commission of Animal Control & Welfare, and Rick French, The Animal Company. (Discussion Item)
5. Update on policy matters before the Small Business Commission.
6. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
7. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

GOVERNMENT  
DOCUMENTS DEPT

JUL 23 2010

SAN FRANCISCO

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7841

SMALL BUSINESS COMMISSIONERS  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

LUKE O'BRIEN  
IRENE YEE RILEY

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [solf@sfgov.org](mailto:solf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

SMALL BUSINESS COMMISSIONERS  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

LUKE O'BRIEN  
IRENE YEE RILEY





**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING CANCELCATION**  
**MEETING CANCELLED**

**July 26, 2010**  
**5:00 P.M. – 7:00 P.M.**  
**CITY HALL, ROOM 400**

**1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102**

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Chair  
Commissioner Irene Yee Riley  
Regina Dick-Endrizzi, Executive Director

1. Roll call for the July 26, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the April 26, 2010 and June 28, 2010 meetings. Explanatory Documents: Draft minutes from the April 26, 2010 and June 28, 2010 meetings. (Action Item)
3. Discussion on Board of Supervisors File No. 100865 [Establishing an Alcohol Mitigation Fee.] Explanatory Documents: BOS File No. 100865 and report titled, "The Cost of Alcohol to San Francisco: Analyses Supporting an Alcohol Mitigation Fee." (Discussion Item)
4. Presentations on the Commission of Animal Control & Welfare's proposal to recommend to the Board of Supervisors that they pass an ordinance prohibiting the sale or transfer of dogs, cats, and possibly other small animals (including hamsters, rats, mice and guinea pigs, and chinchillas) and birds in companion animal (pet) stores. Presentations by Rebecca Katz, Director Animal Care and Control, Philip Gerrie, Commissioner, Commission of Animal Control & Welfare, and Rick French, The Animal Company. (Discussion Item)
5. Update on policy matters before the Small Business Commission.
6. New Business -- allows committee members to introduce new agenda items for future consideration by the committee.
7. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

**GOVERNMENT  
DOCUMENTS DEPT**

**JUL 26 2010**

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

SMALL BUSINESS COMMISSIONERS  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

**SAN FRANCISCO  
PUBLIC LIBRARY**  
LUKE O'BRIEN  
IRENE YEE RILEY

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

SMALL BUSINESS COMMISSIONERS  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

LUKE O'BRIEN  
IRENE YEE RILEY



**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING AND AGENDA**



**August 2, 2010**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 408**

**1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102** **GOVERNMENT**  
**DOCUMENTS DEPT**

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Chair

Commissioner Irene Yee Riley

Regina Dick-Endrizzi, Executive Director

**JUL 27 2010**

**SAN FRANCISCO**  
**PUBLIC LIBRARY**

1. Roll call for the August 2, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the April 26, 2010 and June 28, 2010 meetings. Explanatory Documents: Draft minutes from the April 26, 2010 and June 28, 2010 meetings. (Action Item)
3. Discussion on Board of Supervisors File No. 100865 [Establishing an Alcohol Mitigation Fee.] Explanatory Documents: BOS File No. 100865 and report titled, "The Cost of Alcohol to San Francisco: Analyses Supporting an Alcohol Mitigation Fee." (Discussion Item)
4. Presentations on the Commission of Animal Control & Welfare's proposal to recommend to the Board of Supervisors that they pass an ordinance prohibiting the sale or transfer of dogs, cats, and possibly other small animals (including hamsters, rats, mice and guinea pigs, and chinchillas) and birds in companion animal (pet) stores. Presentations by Rebecca Katz, Director Animal Care and Control, Philip Gerrie, Commissioner, Commission of Animal Control & Welfare, and Rick French, The Animal Company. (Discussion Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 100963 [Healthy Nail Salon Recognition Program.] Explanatory Documents: BOS File No. 100963. (Discussion and Possible Action Item)
6. Update on policy matters before the Small Business Commission.
7. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
8. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

SMALL BUSINESS COMMISSION FR  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

LUKE O'BRIEN  
IRENE YEE RILEY

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142.

Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6481  
415.558.7844

SMALLBUSINESS COMMISSIONERS  
JANET CLYDE  
KATHLEEN DOOLEY  
MICHAEL O'CONNOR

LUKE O'BRIEN  
IRENE YEE RILEY



## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### NOTICE OF AMENDED MEETING AND AGENDA



August 23, 2010

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

#### COMMITTEE MEMBERS:

Commissioner Kathleen Dooley, Chair

Commissioner Irene Yee Riley

Regina Dick-Endrizzi, Executive Director

AUG 20 2010

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the August 23, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from the August 2, 2010 meeting. Explanatory Documents: Draft minutes from the August 2, 2010 meeting. (Action Item)
3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101007 [Revising Requirements for Purchasing Goods and Services] Explanatory Documents: BOS File No. 101007. (Discussion and Possible Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101006 [Revisions to Local Business Enterprise Ordinance] Explanatory Documents: BOS File No. 101006. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101055 [Plastic Bag Reduction Ordinance] Explanatory Documents: BOS File No. 101055. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101054 [Green Bag Charge] Explanatory Documents: BOS File No. 101054. (Discussion and Possible Action Item)
7. Presentation and discussion on the San Francisco Superior Courts Community Justice Center. Presentation by Tomiquia Moss, CJC Coordinator. (Discussion and Possible Action Item)
8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101071 [Zoning- Temporary Uses and Mobile Food Services] Explanatory Documents: BOS File No. 101071. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110

SAN FRANCISCO, CA 94102

415.554.6408

415.558.7844

SMALL BUSINESS COMMISSION [RS]

JANET CLYDE

KATHLEEN DOOLEY

JAMIE KASHEMAN

LUKE O'BRIEN

MICHAEL O'CONNOR

IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

9. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101072 [Pushcart Peddlers and Operators Regulations] Explanatory Documents: BOS File No. 101072. (Discussion and Possible Action Item)
10. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101073 [Mobile Caterers Regulations] Explanatory Documents: BOS File No. 101073. (Discussion and Possible Action Item)
11. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101096 [Revisions Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items] Explanatory Documents: BOS File No. 101096. (Discussion and Possible Action Item)
12. Review and approval of the draft updated Legislation and Policy Committee mission statement. Explanatory Documents: Draft updated Legislation and Policy Committee mission statement. (Discussion and Possible Action)
13. Update on policy matters before the Small Business Commission.
14. New Business allows committee members to introduce new agenda items for future consideration by the committee.
15. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLET PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-INDRIZZI, EXECUTIVE DIRECTOR



### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissioners, boards, committees and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Works Department and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible "A" Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serve the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the M49 stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6742. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Iddell at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Var Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEH RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR







**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING AND AGENDA**



**September 27, 2010**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

SEP 27 2010

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Chair

Commissioner Irene Yee Riley

Regina Dick-Endrizzi, Executive Director

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the September 27, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from August 23, 2010 meeting. Explanatory Documents: Draft minutes from the August 2, 2010 meeting. (Action Item)
3. Discussion on formula retail policies with Tara Sullivan, Planning Department, including proposed amendments to the planning code. (Discussion and Possible Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101190 [Registration and Other Requirements for Event Promoters] Explanatory Documents: BOS File No. 101190. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101178 [Honoring Local Restaurants During Restaurant Appreciation Month] Explanatory Documents: BOS File No. 101178. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101091 [Planning Code - Requiring Conditional Use Authorization for "Other Entertainment Uses" in the Van Ness Avenue Special Use District] Explanatory Documents: BOS File No. 101091. (Discussion and Possible Action Item)
7. Review and approval of the draft updated Legislation and Policy Committee mission statement. Explanatory Documents: Draft updated Legislation and Policy Committee mission statement. (Discussion and Possible Action)
8. Update on policy matters before the Small Business Commission.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

**SMALL BUSINESS COMMISSIONERS**

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

10. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [solt@sfgov.org](mailto:solt@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING AND AGENDA**



**October 25, 2010**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 400**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

**COMMITTEE MEMBERS:**

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Jamie Kasselman

Regina Dick-Endrizzi, Executive Director

OCT 25 2010

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the October 25, 2010 Legislation & Policy Committee meeting.
2. Approval of minutes from September 27, 2010 meeting. Explanatory Documents: Draft minutes from the September 27, 2010 meeting. (Action Item)
3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101071 [Zoning- Temporary Uses and Mobile Food Facilities] Explanatory Documents: BOS File No. 101071. (Discussion and Possible Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101072 [Pushcart Peddlers and Operators Regulations] Explanatory Documents: BOS File No. 101072. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101073 [Mobile Caterers Regulations] Explanatory Documents: BOS File No. 101073. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101053 [Zoning- Consistent Street Frontages Controls] Explanatory Documents: BOS File No. 101053. (Discussion and Possible Action Item)
7. Staff report and review of SBC OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2010 projects, programs and priorities. (Discussion Item)
8. Discussion and staff report on the DPH Health Care Reform Task Force. (Discussion Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

**SMALL BUSINESS COMMISSIONERS**

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
ROBERT PATERSON  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

9. Staff Report and update on policy and legislative matters before the Small Business Commission.
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
ROBERT PATERSON  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
ROBERT PATERSON  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR







**SMALL BUSINESS COMMISSION**  
**Legislation & Policy Committee**  
**NOTICE OF MEETING AND AGENDA**



**January 24, 2011**  
**4:00 P.M. – 6:00 P.M.**  
**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**GOVERNMENT**  
**DOCUMENTS DEPT**

**COMMITTEE MEMBERS:**

**JAN 21 2011**

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Jamie Kasselmann

Regina Dick-Endrizzi, Executive Director

**SAN FRANCISCO**  
**PUBLIC LIBRARY**

1. Roll call for the January 24, 2011 Legislation & Policy Committee meeting.
2. Approval of minutes from the November 22, 2010 meeting. Explanatory Documents: Draft minutes from the November 22, 2010 meeting. (Action Item)
3. Discussion and staff direction on Board of Supervisors File No. 101537 [Planning Code - Urban Agriculture] Explanatory Documents: BOS File No. 101537. (Discussion Item)
4. Discussion and staff direction on Board of Supervisors File No. 101350 [Planning Code – Zoning – Parking in South of Market and Mission Bay Districts] Explanatory Documents: BOS File No. 101350. (Discussion Item)
5. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2010 projects, programs and priorities. (Discussion Item)
6. Staff report on policy matters before the Small Business Commission. (Discussion Item)
7. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File Nos. 101557 to 101563 [Rincon Hill Infrastructure Financing District] Explanatory Documents: BOS File Nos. 101557 to 101563. (Discussion and Possible Action Item)
8. Staff report and review of legislation previously heard by the Small Business Commission. (Discussion Item)
9. Staff report and review of legislation recently introduced by the Board of Supervisors. (Discussion Item)
10. Discussion on Planning Code formula Retail controls. (Discussion Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

**SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

12. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



GOVERNMENT  
DOCUMENTS DEPT

March 7, 2011

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

MAR - 4 2011

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

SAN FRANCISCO  
PUBLIC LIBRARY

#### COMMISSIONERS PRESENT:

Commissioner Kathleen Dooley, Chair

03-04-11P04:20 RCVB

Commissioners Irene Yee Riley, Jamie Kasselmann

1. Roll call for the March 7, 2011 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 24, 2011 meeting. Explanatory Documents: Draft minutes from the January 24, 2011 meeting. (Action Item)
3. Discussion and staff direction on Board of Supervisors File No. 110152 [Planning Code - Zoning - Self-Service Restaurants, Retail Coffee Stores, and Video Stores.] Explanatory Documents: BOS File No. 110152. (Discussion Item)
4. Discussion and staff direction on Board of Supervisors File No. 110155 [Business and Tax regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area.] Explanatory Documents: BOS File No. 110155. (Discussion Item)
5. Discussion and staff direction on Board of Supervisors File No. 110182 [Displaced worker protections for certain employees under City contracts; prevailing wage protections for janitorial employees under City contracts.] Explanatory Documents: BOS File No. 110155. (Discussion Item)
6. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2010 projects, programs and priorities. (Discussion Item)
7. Staff report, review and discussion on the Entertainment Permit process. (Discussion Item)
8. Discussion on Legislation and Policy Committee process for hearing legislation.
9. Staff report on policy matters before the Small Business Commission. (Discussion Item)
10. Staff report and review of legislation previously heard by the Small Business Commission. (Discussion Item)

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110

SAN FRANCISCO, CA 94102

415.554.6408

415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS

JANET CLYDE

KATHLEEN DOOLEY

JAMIE KASSELMAN

LUKE O'BRIEN

MICHAEL O'CONNOR

IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

11. Staff report and review of legislation recently introduced by the Board of Supervisors. (Discussion Item)
12. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
13. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
! DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sol@sfgov.org](mailto:sol@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-9989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

### **SMALL BUSINESS COMMISSION**

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



April 25, 2011

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

#### COMMISSIONERS PRESENT:

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

Jamie Kasselmann (Alternate)

GOVERNMENT  
DOCUMENTS DEPT  
APR 25 2011  
SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the April 4, 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the March 7, 2011 meeting. Explanatory Documents: Draft minutes from the March 7, 2011 meeting. (Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110337 [Business and Tax Regulations Code - Excluding Stock Compensation from Payroll Expense, Tax Years 2011 through 2013] Explanatory Documents: BOS File No. 110337. (Discussion Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110025 [Environment Code - Safe Drug Disposal Information] Explanatory Documents: BOS File No. 110025. (Discussion Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110279 [Planning Code - Zoning - Prohibiting Formula Retail Pet Supply Stores in the Geary Boulevard Fast Food Subdistrict] Explanatory Documents: BOS File No. 110279. (Discussion Item)
7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
8. Staff report, review and discussion on Limited Live Performance permitting. (Discussion Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

9. Discussion on Legislation and Policy Committee process for hearing legislation.
10. Staff report on policy matters before the Small Business Commission. (Discussion Item)
11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
12. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sott@sfgov.org](mailto:sott@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

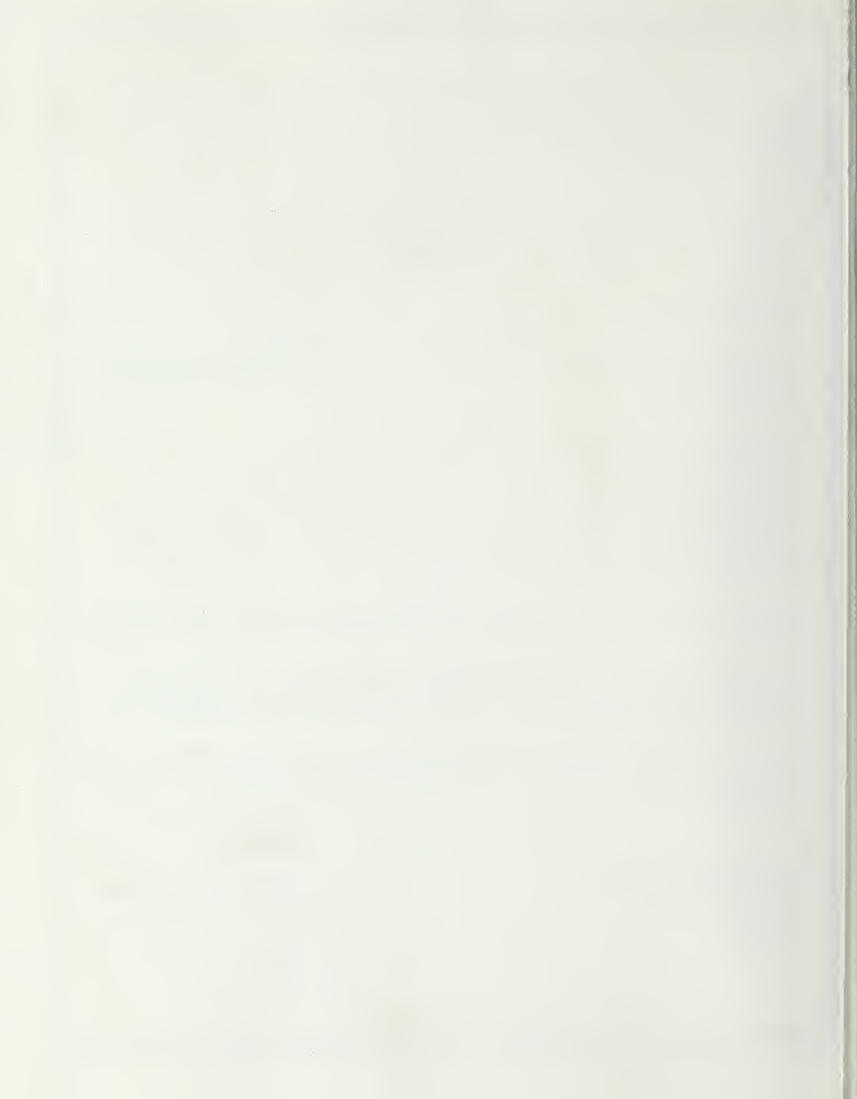
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



May 23, 2011

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

#### COMMISSIONERS:

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

Jamie Kasselmann (Alternate)

GOVERNMENT

DOCUMENTS DEPT

MAY 23 2011

1. Roll call for the May 23, 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the April 25, 2011 meeting. Explanatory Documents: Draft minutes from the April 25, 2011 meeting. (Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110594 [Administrative Code - Enforcement of Minimum Wage Laws by the Office of Labor Standards] Explanatory Documents: BOS File No. 110594. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110546 [Administrative Code - Health Care Security Ordinance] Explanatory Documents: BOS File No. 110546. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110506 [Planning Code, Police Code, Business and Tax Regulations Code - Limited Live Performance Permits] Explanatory Documents: BOS File No. 110506. (Discussion and Possible Action Item)
7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
8. Discussion and possible action on Legislation and Policy Committee process for hearing legislation. (Action item)

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

9. Staff report on policy matters before the Small Business Commission. (Discussion Item)
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [solf@sfgov.org](mailto:solf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



June 27, 2011

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT

DOCUMENTS DEPT

#### COMMISSIONERS:

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

Jamie Kasselmann (Alternate)

JUN 27 2011

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the June, 27 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the May 23, 2011 meeting. Explanatory Documents: Draft minutes from the May 23, 2011 meeting. (Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101497 [Police Code- Prohibiting the Use of Amplified Sound on Open Top Sightseeing Busses] Explanatory Documents: BOS File No. 101497. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 101656 [Environment Code- Cell Phone Disclosure Requirements] Explanatory Documents: BOS File No. 101656. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110592 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls] Explanatory Documents: BOS File No. 110592. (Discussion and Possible Action Item)
7. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110767 [Planning Code - Alcoholic Beverages in Bowling Alleys in the Mission Alcoholic Beverage Special Use Subdistrict] Explanatory Documents: BOS File No. 110767. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110767 [Planning Code - Alcoholic Beverages in Bowling Alleys in the Mission Alcoholic Beverage Special Use Subdistrict] Explanatory Documents: BOS File No. 110767. (Discussion and Possible Action Item)
9. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110768 [Planning Code - Japantown Special Use District Provisions] Explanatory Documents: BOS File No. 110768. (Discussion and Possible Action Item)
10. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
11. Staff report on policy matters before the Small Business Commission. (Discussion Item)
12. Staff update and discussion on legislation previously heard by the Small Business Commission.
13. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
14. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



July 25, 2011

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

#### COMMISSIONERS:

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

Jamie Kasselmann (Alternate)

GOVERNMENT  
DOCUMENTS DEPT

MAY 24 2011

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the July 25, 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the June 27, 2011 meeting. Explanatory Documents: Draft minutes from the June 27, 2011 meeting. (Action Item)
4. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
5. Staff report on policy matters before the Small Business Commission. (Discussion Item)
6. Staff update and discussion on legislation previously heard by the Small Business Commission.
7. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
8. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



September 26, 2011  
4:00 P.M. – 6:00 P.M.  
CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

Jamie Kasselmann (Alternate)

SEP 26 2011  
GOVERNMENT  
DOCUMENTS DEPT

SEP 21 2011

1. Roll call for the September 26, 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the July 25, 2011 meeting. Explanatory Documents: Draft minutes from the July 25, 2011 meeting. (Action Item)
4. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110998 [Administrative Code - Health Care Security Ordinance] Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 to: 1) clarify that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) add an employee notification requirement; 3) modify penalty provisions; and 4) set an operative date. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on legislation introduced by Supervisor David Chiu on September 20, 2011 titled [Administrative Code-Health Care Security Ordinance.] Ordinance amending Sections 14.1, 14.3 and 14.4 of the San Francisco Administrative Code, and adding Section 14.1.5, to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to OLSE in connection with the surcharge; 4) add an employee notification requirement;

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

5) modify penalty provisions; and 6) set an operative date. Ordinance number not available at the time of agenda publication. (Discussion and Possible Action Item)

7. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 110548 [Planning Code - Zoning - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts] Ordinance amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4 and amending various other Sections to: 1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions from required parking under specified circumstances; 5) amend the restrictions on off-street parking rates and extend them to additional zoning districts; 6) revise sign, awning, canopy and marquee controls in specified zoning districts; 7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R Districts; 8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts; 9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain exceptions from exposure and open space requirements for historic buildings; and 11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
8. Staff report on policy matters before the Small Business Commission. (Discussion Item)
9. Staff update and discussion on legislation previously heard by the Small Business Commission.
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [solf@sf.gov](mailto:solf@sf.gov)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

### **SMALL BUSINESS COMMISSION**

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
JAMIE KASSELMAN  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





# SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



GOVERNMENT

DOCUMENTS DEPT

October 24, 2011

3:00 P.M. – 5:00 P.M.

CITY HALL, ROOM 421

OCT 21 2011

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

SAN FRANCISCO  
PUBLIC LIBRARY

## COMMISSIONERS:

10-21-11P02:39 RCVD

Commissioner Kathleen Dooley, Chair

Commissioners Irene Yee Riley, Luke O'Brien

1. Roll call for the October 24, 2011 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Approval of minutes from the July 25, 2011 meeting. Explanatory Documents: Draft minutes from the July 25, 2011 meeting. (Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 111083 [Administrative Code - Health Care Security Ordinance] Ordinance amending the San Francisco Administrative Code Sections 14.3 and 14.4, and adding Section 14.3.5, to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) add an employee notification requirement; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to the City; 4) provide for a study of compliance with Chapter 14 and a recommendation regarding more stringent standards for expenditures, and set City policy regarding what those standards should be; 5) modify penalty provisions; and, 6) set an operative date. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 111047 [Administrative, Planning, and Campaign and Governmental Conduct Codes - Disability Access Improvements for Small Businesses and Landlord Obligations] Ordinance amending the San Francisco Administrative Code by adding Chapter 38, Sections 38.1 through 38.6; amending the San Francisco Planning Code Sections 790.90, 790.91, and 790.102; amending the San Francisco Campaign and Governmental Conduct Code Section 3.400; requiring commercial landlords leasing to small businesses for public accommodations to: 1) bring ground floor entrances to, and exits from, the building into compliance with applicable state and federal disability access laws; 2) inform small business tenants of the potential legal and financial liabilities for failure to comply with those laws; 3) include in any new or amended leases a provision addressing the respective obligations of the landlord and small business tenant to bring the leased premises into compliance with those access laws; 4) require the City to give priority to building permit applications for work to bring space leased to small business tenants into compliance with those access laws; 5) allow small self-service restaurants and retail coffee stores to exclude the square footage of floor area

### SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110

SAN FRANCISCO, CA 94102

415.554.6408

415.558.7844

### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS

JANET CLYDE

KATHLEEN DOOLEY

LUKE O'BRIEN

MICHAEL O'CONNOR

IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

required for disabled access from the calculation of maximum allowable square footage for such uses under applicable zoning restrictions; and 6) adopt environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Discussion and Possible Action Item)

6. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2011 projects, programs and priorities. (Discussion Item)
7. Staff report on policy matters before the Small Business Commission. (Discussion Item)
8. Staff update and discussion on legislation recently introduced at the Board of Supervisors.
9. Staff update and discussion on legislation previously heard by the Small Business Commission.
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [solf@sfgov.org](mailto:solf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
JANET CLYDE  
KATHLEEN DOOLEY  
LUKE O'BRIEN  
MICHAEL O'CONNOR  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



April 23, 2012

4:00 P.M. – 6:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

#### COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

GOVERNMENT  
DOCUMENTS DEPT

APR 20 2012

1. Roll call for the April 23, 2012 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120377 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion for Small Business Net New Payroll - 2012 through 2015] Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A by adding Section 906.5 to permit a Payroll Expense Tax Exclusion for Small Business Net New Payroll for years 2012 through 2015. (Discussion and Possible Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120241 [Planning Code, Zoning Map - Establishing Three Outer Sunset Neighborhood Commercial Districts] Ordinance amending the San Francisco Planning Code by: 1) adding Section 739.1 to establish the Outer Sunset Commercial Cluster 1 Neighborhood Commercial District that includes currently zoned NC-2 Noriega Street from 19th through 27th and 30th through 33rd Avenues; 2) adding Section 740.1 to establish the Outer Sunset Commercial Cluster 2 Neighborhood Commercial District that includes currently zoned NC-1 Taraval Street from 40th through 41st Avenues and from 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, Judah Street from 27th through 29th, 38th through 40th, and 44th through 47th Avenues, and Irving Street from 40th through 41st and 45th through 46th Avenues; 3) adding Section 741.1 to establish the Outer Sunset Linear Streets Neighborhood Commercial District that includes currently zoned NC-2 Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues; 4) amending Section 724.124 (trade shops) to allow catering, remove horsepower limitations, and allow wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area; 5) amending Zoning Map Sheet ZN05 to include the new Neighborhood Commercial Districts; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.. (Discussion and Possible Action Item)
5. Update, discussion, and possible action on proposals to reform the San Francisco business tax structure. (Discussion and Possible Action Item)

SAN FRANCISCO  
PUBLIC LIBRARY

#### SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

6. Update, discussion and possible action on the SBC Motion to the Board of Supervisors. (Discussion and Possible Action Item)
7. Discussion on the NC@20 report. (Discussion Item)
8. Discussion on the Conditional Use Authorization process. (Discussion Item)
9. Discussion on San Francisco Planning Department Formula Retail controls. (Discussion Item)
10. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
11. Staff report on policy matters before the Small Business Commission. (Discussion Item)
12. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
13. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
14. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
15. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





SMALL BUSINESS COMMISSION  
Legislation & Policy Committee  
Notice of Meeting Agenda



June 25, 2012  
4:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

COMMISSIONERS:

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

MAY 24 2012

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the June 25, 2012 Legislation & Policy Committee meeting.
2. General Public Comment.
3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120672[Police Code - Allowing Dogs to be Fastened to Lamp Post, Hydrant, or Tree; Repealing Outdated Code Provisions] Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500, and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree. (Discussion and Possible Action Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120671 [Police Code - Repeal Secondhand Dealer and Antique Dealer Permit Requirements] Ordinance amending the San Francisco Police Code by: 1) repealing Sections 850, 851, 852, 1276, 1279, 1279.1, 1279.2, 1280, 1280.1, 1281, and 1282; and 2) amending Sections 2.26 and 2.27 to eliminate the permit requirement and other local regulation of secondhand dealers and antique dealers. (Discussion and Possible Action Item)
5. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
6. Staff report on policy matters before the Small Business Commission. (Discussion Item)
7. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
8. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
10. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [soff@sfgov.org](mailto:soff@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





SMALL BUSINESS COMMISSION

Legislation & Policy Committee

MEETING MINUTES

\*Amended August 26, 2013, Legislation and Policy Committee\*



June 25, 2012

4:30 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the June 25, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 4:30pm and Commissioners Adams, Yee Riley and White were present.

2. General Public Comment.

General public comment was called for and no members of the public spoke during general public comment.

3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120672[Police Code - Allowing Dogs to be Fastened to Lamp Post, Hydrant, or Tree; Repealing Outdated Code Provisions] Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500, and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree. (Discussion and Possible Action Item)

Items 3 and 4 were called together. Andres Powers presented. He reviewed the background and policy rationale for item #4. The then reviewed the background and policy rationale for item #3. Commissioners were supportive of both. Director Dick-Endrizzi expressed concerns with the direct buy industry regarding eliminating the second hand permit.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner White recommended that the Leg/Policy Committee recommend approval of item 3.

2<sup>nd</sup>: Adams

Aye: Adams, White, Yee Riley

Naye: None

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120671 [Police Code - Repeal Secondhand Dealer and Antique Dealer Permit Requirements] Ordinance amending the San Francisco Police Code by: 1) repealing Sections 850, 851, 852, 1276, 1279, 1279.1, 1279.2, 1280, 1280.1, 1281, and 1282; and 2) amending Sections 2.26 and 2.27 to eliminate the permit

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

requirement and other local regulation of secondhand dealers and antique dealers. (Discussion and Possible Action Item)

Motion: Commissioner Adams recommended that the Leg/Policy Committee recommend approval of item 4 with the request that staff provide additional information on direct buy concerns.

2<sup>nd</sup>: Yee Riley

Aye: Adams, White, Yee Riley

Naye: None

5. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

The Secretary provided Commissioners a packet with information on NC districts. Commissioners requested that it be updated with additional information, including examples of NC1,2,3, and S districts.

6. Staff report on policy matters before the Small Business Commission. (Discussion Item)

The Director provided an update on a hearing by Supervisor Olague on recycling centers. She reviewed convenience zone policies.

7. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No update.

8. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No update.

9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business.

10. Adjournment

The meeting was adjourned at 5:15pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



## SMALL BUSINESS COMMISSION

### Legislation & Policy Committee

#### Notice of Meeting Agenda



July 23, 2012

3:00 P.M.

*\*Meeting will begin following full SBC meeting scheduled for 2:00pm in room 400\**

**CITY HALL, ROOM 421**

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

---

#### COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

#### GOVERNMENT

DOCUMENTS DEPT

JUL 20 2012

1. Roll call for the July 25, 2012 Legislation & Policy Committee meeting.
2. Approval of minutes from the June 25, 2012 meeting. Explanatory Documents: Draft minutes from the June 25, 2011 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120774[Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts] Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a five feet ground floor height increase for active ground floor uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts; 2) replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make reference to this height exception; and 4) making findings including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120773 [Planning Code - Reinstating Liquor License Controls and Establishing Conditional Use Requirement for Limited Restaurants - Union Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code Section 725.1 to: 1) reinstate controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood Commercial District; 2) requiring conditional use authorization for Limited Restaurants; and 3) making environmental findings and findings of consistency with general plan. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120750 [Administrative Code - Retention of Progressive Payments for Public Works Construction Contracts] Ordinance amending the San Francisco Administrative Code Section 6.22(J) to reduce the amount of retention withheld from progress payments in construction contracts from ten to five percent; and to make minor clarifying corrections. (Discussion and Possible Action Item)
7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110

SAN FRANCISCO, CA 94102

415.554.6408

415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

LUKE O'BRIEN

WILLIAM ORTIZ-CARTAGENA

MONETTA WHITE

IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

8. Staff report on policy matters before the Small Business Commission. (Discussion Item)
9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
12. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Meeting Minutes

\*Amended August 26, 2013, Legislation and Policy Committee\*



July 23, 2012

3:00 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT

COMMISSIONERS:

DOCUMENTS DEPT

Commissioner Stephen Adams, Chair

AUG 23 2013

Commissioners Irene Yee Riley, Monetta White

SAN FRANCISCO

PUBLIC LIBRARY

1. Roll call for the July 25, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 4:02pm. Commissioners Adams, White and Yee Riley were present.

2. Approval of minutes from the June 25, 2012 meeting. Explanatory Documents: Draft minutes from the June 25, 2011 meeting. (Action Item)

Motion: Commissioner White motioned to approve the draft June 25, 2013 meeting minutes.

2<sup>nd</sup>: Commissioner Yee Riley

Ayes: Adams, White, Yee Riley

Nays: None

3. General Public Comment.

General public comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120774[Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts] Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a five feet ground floor height increase for active ground floor uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts; 2) replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make reference to this height exception; and 4) making findings including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan. (Discussion and Possible Action Item)

The Secretary reviewed the ordinance. Commissioners were familiar with this type of ordinance from previous ordinances.

Public Comment was called for and no members of the public spoke during public comment.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



Motion: Commissioner Yee Riley motioned that the Legislation and Policy Committee recommend approval of BOS File No. 120774 to the full Small Business Commission.

2<sup>nd</sup>: Commissioner White

Ayes: Adams, White, Yee Riley

Nayes: None

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120773 [Planning Code - Reinstating Liquor License Controls and Establishing Conditional Use Requirement for Limited Restaurants - Union Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code Section 725.1 to: 1) reinstate controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood Commercial District; 2) requiring conditional use authorization for Limited Restaurants; and 3) making environmental findings and findings of consistency with general plan. (Discussion and Possible Action Item)

The Secretary reviewed the ordinance. Commissioners were supportive since it is making corrective changes. Commissioners requested that staff receive clarification on how pending applications will be handled.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Yee Riley motioned that the Legislation and Policy Committee recommend approval of BOS File No. 120773 to the full Small Business Commission.

2<sup>nd</sup>: Commissioner White

Ayes: Adams, White, Yee Riley

Nayes: None

6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120750 [Administrative Code - Retention of Progressive Payments for Public Works Construction Contracts] Ordinance amending the San Francisco Administrative Code Section 6.22(J) to reduce the amount of retention withheld from progress payments in construction contracts from ten to five percent; and to make minor clarifying corrections. (Discussion and Possible Action Item)

The Secretary reviewed the ordinance.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Yee Riley motioned that the Legislation and Policy Committee recommend approval of BOS File No. 120750 to the full Small Business Commission.

2<sup>nd</sup>: Commissioner White

Ayes: Adams, White, Yee Riley

Nayes: None

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

No report

8. Staff report on policy matters before the Small Business Commission. (Discussion Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



No report

9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

Staff informed the Committee that no other items of legislation have been recently introduced.

10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No update

11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business

12. Adjournment

Motion: Commissioner White motioned to adjourn.

2<sup>nd</sup>. Commissioner Yee Riley

Ayes: Adams, White, Yee Riley

Nayes: Non

The meeting was adjourned at 4:18pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



July 23, 2012

4:00 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102

GOVERNMENT  
DOCUMENTS DEPT

COMMISSIONERS:

AUG 24 2012

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the August 27, 2012 Legislation & Policy Committee meeting.
2. Approval of minutes from the July 23, 2012 meeting. Explanatory Documents: Draft minutes from the July 23, 2011 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120814 [Planning Code - Establishing the Fillmore Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20 and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120796 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 743.1 to establish the Divisadero Street Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets; 2) repealing the Divisadero Street Alcohol Restricted Use District established in Section 783; 3) amending Section 151.1 and a portion of Table 151.1, Section 263.20, 607.1(f), 702.3, the specific provisions of the Section 711 Zoning Control Table, and Section 790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Divisadero Street NCD; 5) amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol Restricted Use Special Use District; and 6) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
6. Discussion and Possible Action on the report titled "Analysis of the Health Care Security Ordinance 2011 Annual Reporting Forms" issued on August 23, 2012. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
8. Staff report on policy matters before the Small Business Commission. (Discussion Item)
9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
12. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sottf@sfgov.org](mailto:sottf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





# SMALL BUSINESS COMMISSION

## Legislation & Policy Committee

### Meeting Minutes



August 27, 2012

4:00 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

#### COMMISSIONERS:

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

MAY 24 2016  
SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the August 27, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 4:11pm. Commissioners Adams, Yee Riley and White were present.

2. Approval of minutes from the July 23, 2012 meeting. Explanatory Documents: Draft minutes from the July 23, 2012 meeting. (Action Item)

Motion: Commissioner White motioned to approve the draft minutes from the July 23, 2012 meeting.

2<sup>nd</sup>: Commissioner Yee Riley

Ayes: Adams, Yee Riley, White

Nays: None

3. General Public Comment.

General public comment was called for and no members of the public spoke during General Public Comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120814 [Planning Code - Establishing the Fillmore Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20 and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

The Secretary reviewed a marked up version of the ordinance. Commissioners requested additional details on 744.13B, 744.22, and 744.38. The Committee is concerned about the level of outreach that has been completed on the ordinance. Commissioner White will meet with Supervisor Olague and the Director will schedule a meeting with her staff to review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public comment was called for and no members of the public spoke during public comment.

No action was taken.

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120796 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 743.1 to establish the Divisadero Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets; 2) repealing the Divisadero Street Alcohol Restricted Use District established in Section 783; 3) amending Section 151.1 and a portion of Table 151.1, Section 263.20, 607.1(f), 702.3, the specific provisions of the Section 711 Zoning Control Table, and Section 790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Divisadero Street NCD; 5) amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol Restricted Use Special Use District; and 6) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

The Secretary reviewed a marked up version of the ordinance with the committee. The committee requested more information on section 151.1. The Committee also requested information on the Alcohol RUSD and would like the sponsor to address why a ban is still necessary versus requiring conditional use for new liquor stores.

Public comment was called for and no members of the public spoke during public comment.

No action was taken.

6. Discussion and Possible Action on the report titled "Analysis of the Health Care Security Ordinance 2011 Annual Reporting Forms" issued on August 23, 2012. (Discussion and Possible Action Item)

The Director reviewed the report and executive summary. This will be scheduled at an upcoming Commission meeting. The Director noted that it took 5 years for the SF health plan to reach 60% spending threshold on reimbursement plans and that the 2011 revisions to the HCSO are only now taking effect and are not reflected in the 2011 analysis. Regina requested a list of all businesses 20-99 to conduct outreach. Staff will prepare a statement for the Commission to review and approve.

Public comment was called for and no members of the public spoke during public comment.

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

The Committee reviewed the list of projects and assignments. The committee reviewed the change of motion. Staff will develop an action plan to seek Board approval. Commissioner Adams will reach out to Supervisor Wiener, Director Dick-Endrizzi will reach out to Supervisor Campos. Supervisor Cohen was also discussed as a potential sponsor.

Secretary Schulman reviewed a memo to the committee on 5 foot neigh bonus in NC, RC and C districts.

Public comment was called for and no members of the public spoke during general public comment.

8. Staff report on policy matters before the Small Business Commission. (Discussion Item)

No report.

9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No report.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No report.

11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

Commissioner Yee Riley requested an update on the Ocean Avenue Fire.

12. Adjournment

The meeting was adjourned at 5:35pm

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



Monday, September 24, 2012

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

1. Roll call for the September 24, 2012 Legislation & Policy Committee meeting.
2. Approval of minutes from the August 27, 2012 meeting. Explanatory Documents: Draft minutes from the August 27, 2012 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120880 [Planning Code - Valencia Street Neighborhood Commercial Transit District.] Ordinance amending the San Francisco Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a personal service use on the third story and above with a Conditional Use Authorization; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small business Commission on board of Supervisors File No. 120818 [Administrative Code - Repealing Provisions Extending the Expiration Date of the 2003 Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise Ordinance] Ordinance amending the San Francisco Administrative Code by: 1) repealing Section 12D.A.22 and amending Section 14B.18, to repeal provisions extending expiration of Chapter 12D.A in the event the injunction in Coral Construction, Inc., v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed; and 2) amending a cross-reference to Section 14B.18 in Section 14B.13(D)(5). (Discussion and Possible Action Item)
6. Discussion on the report titled "Implementation, Enforcement, and Impact: San Francisco's Sit/Lie Ordinance 1 year later. (Discussion Item)
7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
8. Staff report on policy matters before the Small Business Commission. (Discussion Item)
9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

12. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related

##### **SMALL BUSINESS COMMISSION**

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

##### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STÉPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Meeting Minutes

GOVERNMENT  
DOCUMENTS DEPT

MAY 24 2016



Monday, September 24, 2012

3:30 P.M

CITY HALL, ROOM 421

SAN FRANCISCO  
PUBLIC LIBRARY



1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

1. Roll call for the September 24, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 3:42pm. Commissioners Adams and White were present. Commissioner Yee Riley was excused.

2. Approval of minutes from the August 27, 2012 meeting. Explanatory Documents: Draft minutes from the August 27, 2012 meeting. (Action Item)

Motion: Commissioner White motioned to approve the August 27, 2012 meeting minutes.

2<sup>nd</sup>: Commissioner Adams

Ayes: Adams, White

Nays: None

3. General Public Comment.

General Public Comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120880 [Planning Code - Valencia Street Neighborhood Commercial Transit District ] Ordinance amending the San Francisco Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a personal service use on the third story and above with a Conditional Use Authorization; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1 (Discussion and Possible Action Item)

The Director provided a review of the ordinance to commissioners and reviewed the ordinance in detail

Public comment was called for and no members of the public spoke during public comment

Motion: Commissioner White motioned to recommend approval of BOS File No. 120880 to the Board of Supervisors.

2<sup>nd</sup>: Commissioner Adams

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Ayes: Adams, White

Nays: None

5. Discussion and possible action to make recommendations to the Small business Commission on board of Supervisors File No. 120818 [Administrative Code - Repealing Provisions Extending the Expiration Date of the 2003 Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise Ordinance] Ordinance amending the San Francisco Administrative Code by: 1) repealing Section 12D.A.22 and amending Section 14B.18, to repeal provisions extending expiration of Chapter 12D.A in the event the injunction in Coral Construction, Inc., v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed; and 2) amending a cross-reference to Section 14B.18 in Section 14B.13(D)(5). (Discussion and Possible Action Item)

City Attorney Christine Van Aken reviewed the ordinance.

Public comment was called for and no members of the public spoke during public comment

Motion: Commissioner White motioned to recommend approval of BOS File No. 120818 to the Small Business Commission.

2<sup>nd</sup>: Commissioner Adams

Ayes: Adams, White

Nays: None

6. Discussion on the report titled "Implementation, Enforcement, and Impact: San Francisco's Sit/Lie Ordinance 1 year later. (Discussion Item)

The Director provided a brief review of the report and discussed how the report measures the success of the ordinance, the intent of the sit lie ordinance, what the report is missing, how the data fails to evaluate how many people have "moved on" without receiving citations. The Commission will hear this report at its full October 1 meeting.

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

The Director provided an update on Mobile Retail.

8. Staff report on policy matters before the Small Business Commission. (Discussion Item)

No report

9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No report

10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

The Director reviewed the Fillmore Street NCD legislation and Commissioner White provided an update on discussions.

11. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6406  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



No new business

12. Adjournment

The meeting was adjourned at 4:32pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda

GOVERNMENT  
DOCUMENTS DEPT

MAY 24 2012



Monday, October 22, 2012

3:30 P.M

CITY HALL, ROOM 421

SAN FRANCISCO  
PUBLIC LIBRARY



(NOTE: MEETING WILL BEGIN FOLLOWING THE REGULAR SBC MEETING TAKING PLACE IN ROOM 400 AT 2:00PM)

1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

1. Roll call for the October 22, 2012 Legislation & Policy Committee meeting.
2. Approval of minutes from the September 24, 2012 meeting. Explanatory Documents: Draft minutes from the September 24, 2012 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120966 [Administrative Code - Healthy Food Retailer Incentives Program] Ordinance amending the San Francisco Administrative Code by adding Chapter 59 (Sections 59.1-59.9) to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120966 [Planning Code - Establishing the Fillmore Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120796 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 743.1 to establish the Divisadero Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets; 2) repealing the Divisadero Street Alcohol Restricted Use District established in Section 783; 3) amending Section 151.1 and a portion of Table 151.1, Section 263.20, 607.1(f), 702.3, the specific provisions of the Section 711 Zoning Control Table, and Section 790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Divisadero Street NCD; 5)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol Restricted Use Special Use District; and 6) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
8. Staff report on policy matters before the Small Business Commission. (Discussion Item)
9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
11. Commissioner Reports (Discussion Item)
12. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
13. Adjournment

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Meeting Minutes

\*Amended August 26, 2013, Legislation and Policy Committee\*



Monday, October 22, 2012

3:30 P.M

CITY HALL, ROOM 421

11 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the October 22, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 3:54pm. Commissioners Adams, Yee Riley and White were present.

2. Approval of minutes from the September 24, 2012 meeting. Explanatory Documents: Draft minutes from the September 24, 2012 meeting. (Action Item) General Public Comment.

Motion: Commissioner White motioned to approve the September 24, 2012 draft minutes.

Second: Commissioner Adams

Ayes: Adams, White, Yee Riley

3. General Public Comment.

General public comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120966 [Administrative Code - Healthy Food Retailer Incentives Program] Ordinance amending the San Francisco Administrative Code by adding Chapter 59 (Sections 59.1-59.9) to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance program for Healthy Food Retailers. (Discussion and Possible Action Item)

Nick Pagaoulatos, Legislative Aide to Supervisor Eric Mar Presented. He reviewed the ordinance with the Commissioner and advised that changes will be made prior to being heard at the full SBC. A key goal of the ordinance is the build capacity of small businesses and to provide assistance in expanding healthy food options. This is an optional program. The Supervisor envisions a one stop shop for small businesses to go to for assistance and proposes a staffer at OEWD to oversee all food access activities and ensure that resources are directed to stores that desire assistance. The supervisor is exploring land use based incentives, details to be determined. The supervisor is also seeking funding options for the program.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Commissioners were generally supportive but did not take formal action pending the proposed changes. The Committee also directed staff to reach out to stakeholders including OEWD and DPH prior to hearing at the full commission.

Public Comment was called for and no members of the public spoke during public comment.

No action taken.

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120966 [Planning Code - Establishing the Fillmore Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

There were no updates on this ordinance to provide to the Committee.

Public Comment was called for and no members of the public spoke during public comment.

No action taken.

6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 120796 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial District] Ordinance amending the San Francisco Planning Code by: 1) adding Section 743.1 to establish the Divisadero Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets; 2) repealing the Divisadero Street Alcohol Restricted Use District established in Section 783; 3) amending Section 151.1 and a portion of Table 151.1, Section 263.20, 607.1(f), 702.3, the specific provisions of the Section 711 Zoning Control Table, and Section 790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Divisadero Street NCD; 5) amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol Restricted Use Special Use District; and 6) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

The committee discussed outreach. There was a merchants meeting held and positive feedback was received. Commissioner White is waiting for a meeting with the Supervisor to discuss further.

Public Comment was called for and no members of the public spoke during public comment.

No action taken.

7. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item).

No updates.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



8. Staff report on policy matters before the Small Business Commission. (Discussion Item)

No updates.

9. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No updates.

10. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No updates.

11. Commissioner Reports (Discussion Item)

No reports.

12. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business.

13. Adjournment

The meeting was adjourned at 4:47pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT.

Notice of Meeting Agenda



Monday, November 26, 2012  
3:30 P.M.  
CITY HALL, ROOM 421

MAY 24 2011  
SAN FRANCISCO  
PUBLIC LIBRARY



(NOTE: MEETING WILL BEGIN FOLLOWING THE REGULAR SBC MEETING TAKING PLACE IN ROOM 400 AT 2:00PM)

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

1. Roll call for the November 26, 2012 Legislation & Policy Committee meeting.
2. Approval of minutes from the October 22, 2012 meeting. Explanatory Documents: Draft minutes from the October 22, 2012 meeting. (Action Item)
3. General Public Comment.
4. Discussion and Possible Action regarding the SFCTA's San Francisco Transportation Plan and the "Be the City's Budget Czar for a Day" online tool. (Discussion and Possible Action Item)
5. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
6. Staff report on policy matters before the Small Business Commission. (Discussion Item)
7. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
8. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
9. Commissioner Reports (Discussion Item)
10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
11. Adjournment

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT

Meeting Minutes

MAY 24 2012



Monday, November 26, 2012  
3:30 P.M.  
CITY HALL, ROOM 421

SAN FRANCISCO  
PUBLIC LIBRARY



1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

1. Roll call for the November 26, 2012 Legislation & Policy Committee meeting.

The meeting was called to order at 4:48pm. Commissioners Yee Riley and White were present.  
Commissioner Adams was absent-excused.

2. Approval of minutes from the October 22, 2012 meeting. Explanatory Documents: Draft minutes from the October 22, 2012 meeting. (Action Item)

Motion: Commissioner White motioned to approve the October 22, 2012 meeting minutes.  
2<sup>nd</sup>: Commissioner Yee Riley

Ayes: Yee Riley, White

Nayes: None

Absent: Adams

3. General Public Comment.

General Public Comment was called for and no members of the public spoke during general public comment.

4. Discussion and Possible Action regarding the SFCTA's San Francisco Transportation Plan and the "Be the City's Budget Czar for a Day" online tool. (Discussion and Possible Action Item)

The Secretary reviewed the San Francisco Transportation Plan.

The Committee reviewed the online Budget Czar tool.

Public Comment was called for and no members of the public spoke during public comment.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



The Committee would like to agenzize this at a future meeting to discuss priority projects and funding for business interruption mitigation.

5. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

Public Comment was called for and no members of the public spoke during public comment.

6. Staff report on policy matters before the Small Business Commission. (Discussion Item)

The Director provided a report on Small Business Saturday. Staff will send Commissioners materials. The Director also discussed Mobile Retail and emerging issues.

Public Comment was called for and no members of the public spoke during public comment.

7. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No update.

8. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No update.

9. Commissioner Reports (Discussion Item)

No reports.

10. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business.

11. Adjournment

The meeting was adjourned at 5:44pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Cancellation



Monday, December 24, 2012

3:30 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

THE MONDAY, DECEMBER 24, 2012 MEETING OF THE SMALL BUSINESS COMMISSION LEGISLATION  
AND POLICY COMMITTEE IS HEREBY CANCELLED

GOVERNMENT  
DOCUMENTS DIV.

MAY 24 2013

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### **SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT  
Notice of Meeting Agenda



Monday, January 28, 2013  
3:30 P.M.  
CITY HALL, ROOM 421

MAY 24 2013  
SAN FRANCISCO  
PUBLIC LIBRARY



(NOTE: MEETING WILL BEGIN FOLLOWING THE REGULAR SBC MEETING TAKING PLACE IN ROOM 400 AT 2:00PM)  
1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

1. Roll call for the January 28, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the November 26, 2012 meeting. Explanatory Documents: Draft minutes from the November 26, 2012 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 121065[Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions] Ordinance amending the San Francisco Planning Code by amending Section 723 to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788 to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California and O'Farrell Streets, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending the San Francisco Zoning Map to designate the Lower Polk Street Alcohol Restricted Use District on Map Sheet ZN-02; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130018[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]
6. Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

7. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 121211[Administrative Code - Rescinding Sunset in the San Francisco Bonding and Financial Assistance Program] Ordinance amending the San Francisco Administrative Code, Section 14B.16, to rescind the sunset clause in the San Francisco Bonding and Financial Assistance Program, make technical amendments, and make environmental findings and findings of consistency with General Plan. (Discussion and Possible Action Item)
8. Discussion and possible action on the SBC Motion. (Discussion and Possible Action Item)
9. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)
10. Staff report on policy matters before the Small Business Commission. (Discussion Item)
11. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
12. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
13. Commissioner Reports (Discussion Item)
14. New Business -- allows committee members to introduce new agenda items for future consideration by the committee.
15. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

### SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Meeting Minutes

\*Amended August 26, 2013, Legislation and Policy Committee\*



Monday, January 28, 2013

3:30 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

SF  
552.6  
#2  
1/28/13

1. Roll call for the January 28, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 3:35pm. Commissioners Adams and Yee Riley were present.

2. Approval of minutes from the November 26, 2012 meeting. Explanatory Documents: Draft minutes from the November 26, 2012 meeting. (Action Item)

Motion: Commissioner Yee Riley made a motion to approve the November 16, 2013 meeting minutes

2<sup>nd</sup>: Adams

Aye: Adams, Yee Riley

Nay: None

Absent: White

3. General Public Comment.

General public comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 121065[Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions] Ordinance amending the San Francisco Planning Code by amending Section 723 to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788 to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California and O'Farrell Streets, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending the San Francisco Zoning Map to designate the Lower Polk Street Alcohol Restricted Use District on Map Sheet ZN-02; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

The Commission Secretary provided an overview of the Commission packet. Amy Chan, legislative aide to Supervisor David Chiu reviewed the background of the ordinance. She also reviewed key points including that the ordinance allows for transferability, allows for restaurants and daytime businesses to receive new permits, does not allow new permits for bars and liquor stores. She reported that there are 121 alcohol permits in the region, 20 off sale and 101 on sale.

Jocelyn Kane, Entertainment Commission staff reported that her Commission has not made a formal response. Staff has concerns on whether land use controls are the best way to address concerns on Polk Street. In particular, the Entertainment Commission is concerned about the requirement for Conditional Use for Entertainment when the Entertainment Commission already had a process for public hearing. She would like to see additional information on the specific issues taking place. She reviewed the scope of the Entertainment Commissions position.

**Public Comment:**

Terrance Alan: Reports that the problem needs to be better understood. He would like to see new regulations for businesses open after a certain hour. He also relayed party bus concerns. Occupancy should also be looked at.

The Committee reviewed staff recommendations. Item 1 (proximity controls) was an option preferred by the committee.

No action was taken. This item will be placed on the full SBC agenda on February 11, 2013.

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130018[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District] Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

The Secretary provided a very brief review of this ordinance and reported that it would be on an upcoming agenda at a full SBC meeting.

Public Comment was called and no members of the public spoke.

Motion: Commissioner Adams made a motion to recommend approval of BOS File No. 130018 to the Small Business Commission.

2<sup>nd</sup>: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: White

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

**SMALLBUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 121211[Administrative Code - Rescinding Sunset in the San Francisco Bonding and Financial Assistance Program] Ordinance amending the San Francisco Administrative Code, Section 14B.16, to rescind the sunset clause in the San Francisco Bonding and Financial Assistance Program, make technical amendments, and make environmental findings and findings of consistency with General Plan. (Discussion and Possible Action Item)

Matt Hansen, City Administrators Office provided an overview of the ordinance for the Committee. He reviewed the bonding program and its history. It has been implemented City-wide since 2000 and provides bonding guarantees for small and LBE businesses. Ingrid Meriwhether provided feedback.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Adams made a motion to recommend approval of BOS File No 121211 to the Small Business Commission.

2<sup>nd</sup>: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: White

7. Discussion and possible action on the SBC Motion. (Discussion and Possible Action Item)

Staff provided the Commissioners an update on the Motion and process. The Motion was modified to read that no action will be taken for 30 days from introduction, which is consistent with current Board of Supervisor policies. The Committee reviewed a draft motion.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Adams made a motion to approve the draft motion as drafted by staff

2<sup>nd</sup>: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: White

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

8. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2012 projects, programs and priorities. (Discussion Item)

The Committee reviewed the list of projects and programs assigned to committee. The Committee continued discussion of NC@20 to a future meeting.

Public Comment was called for and no members of the public spoke during public comment.

9. Staff report on policy matters before the Small Business Commission. (Discussion Item)

The Secretary provided a written report. No Discussion.

Public Comment was called for and no members of the public spoke during public comment.

10. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

No report.

Public Comment was called for and no members of the public spoke during public comment.

11. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

The Secretary provided a written report. No Discussion.

Public Comment was called for and no members of the public spoke during public comment.

12. Commissioner Reports (Discussion Item)

No reports

13. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business.

14. Adjournment

The meeting was adjourned at 5:18pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT  
Notice of Meeting Agenda



Monday, March 25, 2013  
3:30 P.M.  
CITY HALL, ROOM 421

MAY 24 2013

SAN FRANCISCO  
PUBLIC LIBRARY



(NOTE: MEETING WILL BEGIN FOLLOWING THE REGULAR SBC MEETING TAKING PLACE IN ROOM 400 AT 2:00PM)  
1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Roll call for the March 25, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the January 28, 2013 meeting. Explanatory Documents: Draft minutes from the January 28, 2013 meeting. (Action Item)
3. General Public Comment.
4. Staff report and review of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2013 projects, programs and priorities. (Discussion Item)
5. Staff report on policy matters before the Small Business Commission. (Discussion Item)
6. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
7. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
8. Commissioner Reports (Discussion Item)
9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
10. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sdff@sfgov.org](mailto:sdff@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

#### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

#### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

#### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

#### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION  
Legislation & Policy Committee

Meeting Minutes  
\*Amended August 26, 2013, Legislation and Policy Committee\*



Monday, March 25, 2013  
3:30 P.M  
CITY HALL, ROOM 421



1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

SF  
552.6  
#2  
3/25/13

1. Roll call for the March 25, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 4:41pm. Commissioners Adams and Yee Riley were present.

2. Approval of minutes from the January 28, 2013 meeting. Explanatory Documents: Draft minutes from the January 28, 2013 meeting. (Action Item).

Motion: Commissioner Yee Riley motioned to adopt the January 28, 2013 Legislation and Policy Committee minutes

2nd: Commissioner Adams

Aye: Adams, Yee Riley

Naye: None

Absent: Ortiz-Cartagena

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

3. General Public Comment.

General public comment was called for and no members of the public spoke during general public comment.

4. Review and discussion of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2013 projects, programs and priorities. (Discussion Item)

The Committee reviewed the list of Legislation and Policy Projects and Assignments. Nothing to report for change of motion. For NC@20, the Committee reviewed a list of NC@20 recommendations prepared by staff. The Committee made comments on Automotive Uses and ATM's. Staff also reviewed NC@20 accomplishments. No report for Conditional Use, Formula Retail is transferred to Permitting Committee, No

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

report for Strategic Plan and Action Plan, HealthCare/ACA, and staff provided the Committee with a hand-out on the CTA plan.

Public Comment was called and no members of the public spoke during public comment.

5. Staff report on policy matters before the Small Business Commission. (Discussion Item)

Staff provided a written memo to the Committee.

Public Comment was called and no members of the public spoke during public comment.

6. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

Staff provided a written memo to the Committee.

Public Comment was called and no members of the public spoke during public comment.

7. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

Staff provided a written memo to the Committee.

Public Comment was called and no members of the public spoke during public comment.

8. Commissioner Reports (Discussion Item)

No reports

9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business

10. Adjournment

The meeting was adjourned at 5:03pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT  
Notice of Meeting Agenda

MAY 24 2013



Monday, April 22, 2013  
3:30 P.M.  
CITY HALL, ROOM 421

SAN FRANCISCO  
PUBLIC LIBRARY



(NOTE: MEETING WILL BEGIN FOLLOWING THE REGULAR SBC MEETING TAKING PLACE IN ROOM 400 AT 2:00PM)

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Roll call for the March 25, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the March 23, 2013 meeting. Explanatory Documents: Draft minutes from the March 23, 2013 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130263[Planning Code - Castro Street Neighborhood Commercial District Use Size Limits] Ordinance amending the Planning Code, Sections 121.2 and 715.1, the Castro Street Neighborhood Commercial District controls, to allow a neighborhood-serving nonprofit institution to exceed the use size limits with a Conditional Use Authorization; making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)
5. Review and discussion of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2013 projects, programs and priorities. (Discussion Item)
6. Staff report on policy matters before the Small Business Commission. (Discussion Item)
7. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)
8. Commissioner Reports (Discussion Item)
9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
10. Adjournment

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
JERNE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sot@sfgov.org](mailto:sot@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Meeting Minutes

\*Amended August 26, 2013, Legislation and Policy Committee\*



Monday, April 22, 2013  
3:30 P.M.  
CITY HALL, ROOM 421



1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the March 25, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 4:21pm. Commissioner Adams, Yee Riley and Ortiz-Cartagena were present.

2. Approval of minutes from the March 25, 2013 meeting. Explanatory Documents: Draft minutes from the March 25, 2013 meeting. (Action Item)

Motion: Commissioner Adams motioned to adopt the March 25, 2012 meeting minutes as drafted.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

3. General Public Comment.

General Public Comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130263[Planning Code - Castro Street Neighborhood Commercial District Use Size Limits] Ordinance amending the Planning Code, Sections 121.2 and 715.1, the Castro Street Neighborhood Commercial District controls, to allow a neighborhood-serving nonprofit institution to exceed the use size limits with a Conditional Use Authorization; making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

The Secretary reviewed the proposed legislation and provided some background on behalf of the Legislative Sponsor who was unable to have a representative attend the meeting. \

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



The committee was not prepared to make a formal recommendation to the full Commission due to key organizations, including the Merchants of Upper Market and Castro not yet submitting a position on the ordinance. The Committee was concerned about the possibility of multiple storefronts being combined in the future to create these large spaces for neighborhood serving non-profits.

The Committee asked staff to find out the position of MUMC before it is scheduled before the full Commission.

Public Comment was called for and no members of the public spoke during public comment.

No formal action was taken.

5. Review and discussion of SBC/OSB projects and programs assigned to the Committee. Explanatory Documents: SBC Legislation and Policy Committee list of 2013 projects, programs and priorities. (Discussion Item)

The committee reviewed the list of SBC/OSB projects and programs assigned to the committee. No updates on chance in motion or NC@20. The Director provided a verbal recap of the SP4P program, which was approved by the Planning Commission. No update on Strategic/Action plan and Affordable Care Act.

The Committee held discussion on the SFCTA San Francisco Transportation Plan and provided staff feedback on a draft letter that will be prepared by staff. The Secretary began the discussion by briefly reviewing the plan, and Commissioners, following discussion, recommended that a focus on unallocated funds be used on maintenance and operations. Maintenance and Operations are very important to the sustainability of the system will best benefit small businesses.

Public Comment was called for and no members of the public spoke during public comment.

6. Staff report on policy matters before the Small Business Commission. (Discussion Item)

No update.

7. Staff update and discussion on legislation previously heard by the Small Business Commission. (Discussion Item)

No update. The Secretary announced that since Legislation and Policy Committee meetings are held on the same day as regular Commission meetings, that this item will be removed from future agendas and legislative updates will be provided by the Director during the regular meetings Directors report.

8. Commissioner Reports (Discussion Item)

No reports.

9. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business

10. Adjournment

The meeting was adjourned at 4:48pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

#### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION  
Legislation & Policy Committee

GOVERNMENT  
DOCUMENTS DEPT

Notice of Meeting Agenda

MAY 24 2013



Monday, May 20, 2013  
5:00 P.M.  
CITY HALL, ROOM 408

SAN FRANCISCO  
PUBLIC LIBRARY



1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Roll call for the May 20, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the April 22, 2013 meeting. Explanatory Documents: Draft minutes from the April 22, 2013 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130372[Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District] Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)
5. Commissioner Reports (Discussion Item)
6. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
7. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION

Legislation & Policy Committee

DRAFT Meeting Minutes



Monday, May 20, 2013

5:00 P.M

CITY HALL, ROOM 408

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



SF  
552.6  
#2  
5/20/13  
draft

COMMISSIONERS PRESENT:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the May 20, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 5:04pm. Commissioners Adams, Yee Riley and Ortiz-Cartagena were present.

2. Approval of minutes from the April 22, 2013 meeting. Explanatory Documents: Draft minutes from the April 22, 2013 meeting. (Action Item)

Motion: Commissioner Yee Riley motioned to adopt the April 22, 2012 meeting minutes as drafted.

2<sup>nd</sup>: Adams

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

3. General Public Comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130372[Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District] Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Andrea Bruss, Legislative Aide to Supervisor Malia Cohen provided an overview of the ordinance and described the conditions on third street and overall in the Bay view. This ordinance will only affect approximately four blocks along Third Street between Williams Avenue and Egbert. It will affect parcels that are currently zoned PDR-2, M-1, Public and NC-3. The goal is to create a contiguous stretch of formula retail controls all the way down Third Street down to Bayshore Boulevard.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Yee Riley motioned that the Legislation and Policy Committee recommend approval of BOS File No. 130372 to the full Small Business Commission.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nayes: None

5. Commissioner Reports (Discussion Item)

Commissioner Yee Riley made a report on Small Business Week. Commissioner Yee Riley provided positive feedback.

6. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business

7. Adjournment

The meeting was adjourned at 5:17pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION GOVERNMENT  
Legislation & Policy Committee DOCUMENTS DEPT

Notice of Meeting Agenda



Monday, June 24, 2013  
3:30 P.M.  
CITY HALL, ROOM 421

MAY 24 2013  
SAN FRANCISCO  
PUBLIC LIBRARY



Meeting will begin following the Small Business Commission meeting taking place at 2:00pm in Room 400

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Roll call for the June 24, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the May 20, 2013 meeting. Explanatory Documents: Draft minutes from the May 20, 2013 meeting. (Action Item)
3. General Public Comment.
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District] Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt grocery stores and certain institutional, arts, and other uses from the controls; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)
5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130486 [Planning Code - Formula Retail Use for Hayes-Gough Neighborhood Commercial Transit District] Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Hayes-Gough Neighborhood Commercial Transit District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)
6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130461 Police, Administrative Codes - Alcohol Regulation] Ordinance amending the Police Code to prohibit possession of an open alcohol container at any premises with an off-sale license from the Alcohol Beverage Control Board, and to require some conditions before the Board of Supervisors may consider granting any licensee a letter of public convenience and necessity under California Business and

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Professions Code, Section 23958.4; amending the Administrative Code to impose additional reporting requirements from the Police Department to the Board of Supervisors; and making environmental findings. (Discussion and Possible Action Item)

7. Commissioner Reports (Discussion Item)
8. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
9. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call Chris Schulman at (415) 554-6408 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Draft Meeting Minutes



Monday, June 24, 2013

3:30 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT  
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO  
PUBLIC LIBRARY

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Roll call for the June 24, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 3:41pm. Commissioners Adams and Yee Riley were present. Commissioner Ortiz- Cartagena was absent-excused.

2. Approval of minutes from the May 20, 2013 meeting. Explanatory Documents: Draft minutes from the May 20, 2013 meeting. (Action Item)

The Secretary requested that the adoption of minutes be continued to the next committee meeting.

Motion: Commissioner Adams motioned that the adoption of minutes be continued to the next meeting.

2<sup>nd</sup>. Commissioner Yee Riley

Ayes: Adams, Yee Riley

Nays: None

Absent: Ortiz-Cartagena

3. General Public Comment.

General Public Comment was called for and no members of the public spoke during general public comment.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District] Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt grocery stores and certain institutional, arts, and other uses from the controls; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Nate Allbee, Legislative Aide to Supervisor David Campos presented. Mr. Allbee reviewed the ordinance and the changes that it would make to the Mission Alcohol Restricted Use District and the Valencia Street NCT. The changes to the Alcohol RUD will be primarily allowing transferability and for small grocery stores to obtain beer and wine licenses. The NCT will require a Conditional Use Authorization for the conversion of retail stores to restaurants.

Public Comment was called for and no members of the public spoke during public comment.

Motion: Commissioner Adams motioned to recommend approval of BOS File No. 130459 to the Small Business Commission.

2<sup>nd</sup>: Commissioner Yee Riley

Ayes: Adams, Yee Riley

Nays: None

Absent: Ortiz- Cartagena

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130486 [Planning Code - Formula Retail Use for Hayes-Gough Neighborhood Commercial Transit District] Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Hayes-Gough Neighborhood Commercial Transit District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Conor Johnson, Legislative Aide to Supervisor Breed presented. Mr. Johnson reviewed that the proposal will require stores with more than 11 outlets in the world to obtain Conditional Use Authorization under the City's formula retail controls. It will also require subsidiaries of formula retailers to obtain Conditional Use Authorization. These changes will only apply in the Hayes Gough NCT. He noted that Formula Retail is banned in the NCT and this will not change.

Commissioners were concerned about the changes, especially in light of the full ban in the NCD. The Commissioners were not prepared to take action at this time and requested additional information and public comment.

Public Comment was called for and no members of the public spoke during public comment.

No action was taken.

6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130461 Police, Administrative Codes - Alcohol Regulation] Ordinance amending the Police Code to prohibit possession of an open alcohol container at any premises with an off-sale license from the Alcohol Beverage Control Board, and to require some conditions before the Board of Supervisors may consider granting any licensee a letter of public convenience and necessity under California Business and Professions Code, Section 23958.4; amending the Administrative Code to impose additional reporting

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



requirements from the Police Department to the Board of Supervisors; and making environmental findings.  
(Discussion and Possible Action Item)

The Secretary announced that the presenter was unable to present due to a conflict in schedule. The Secretary reviewed the ordinance. Commissioners Adams and Yee Riley noted concerns about mandating requirements on all off-sale licenses and requested that staff clarify if the prohibition on onsite consumption will apply to wine/beer tasting. Commissioners request that this ordinance be calendared before the full Commission.

Public comment was called for and no members of the public spoke during public comment.

No action was taken.

7. Commissioner Reports (Discussion Item)

No reports

8. New Business – allows committee members to introduce new agenda items for future consideration by the committee

No new business.

9. Adjournment

The meeting was adjourned at 4:25pm.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION  
Legislation & Policy Committee  
Notice of Meeting Agenda



Monday, July 22, 2013  
3:30 P.M.  
CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, William Ortiz-Cartagena

**NOTICE OF MEETING CANCELLATION.**

The July 22, 2013 Legislation and Policy Committee of the Small Business Commission is hereby cancelled.

GOVERNMENT  
DOCUMENTS DEPT

MAY 24 2015

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6408  
415.558.7844

### SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



Monday, August 26, 2013  
4:30 P.M.

\*NOTE SPECIAL START TIME\*

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102



GOVERNMENT

DOCUMENTS DEPT

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

AUG 23 2013

SF  
552.6

#1

8/26/13

SAN FRANCISCO  
PUBLIC LIBRARY

1. Roll call for the August 26, 2013 Legislation & Policy Committee meeting.
2. Approval of minutes from the May 20, 2013 meeting. Explanatory Documents: Draft minutes from the May 20, 2013 meeting. (Action Item)
3. Approval of minutes from the June 24, 2013 meeting. Explanatory Documents: Draft minutes from the June 24, 2013 meeting. (Action Item)
4. Approval to correct approved meeting minutes for the dates: June 25, 2012; July 23, 2012; January 28, 2013; March 25, 2013; and April 22, 2013. Change title from "Draft Meeting Minutes" to "Meeting Minutes." Explanatory Documents: Corrected Minutes. (Action Item)
5. Approval to correct posting of the meeting minutes for the date of September 24, 2012. The September 24, 2012 agenda is posted in place of the approved minutes. (Action Item)
6. Approval to correct the date of October 22, 2012 meeting minutes. Approved minutes incorrectly show meeting date as "November 26, 2012," and should reflect correct meeting date of "October 22, 2012." Explanatory Documents: Corrected Minutes. (Action Item)
7. General Public Comment.
8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130789 [[Health Code - Licensing and Regulation of Massage Establishments and Practitioners] Ordinance amending the Health Code to require massage practitioners licensed by San Francisco to wear photo identification cards when working; deny Massage Establishment permits to applicants convicted of specified crimes; to provide an appeal process for persons denied a Massage Establishment permit; to establish health and safety requirements for all Massage Establishments; to establish penalties for violations of Article 29 governing Massage Practitioners and Massage Establishments; to require notice of violations be sent to the owner(s) of property where Massage Establishments are located; and making environmental findings. Explanatory Documents: BOS File No. 130789. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



9. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130784 [Business and Tax Regulations Code – Miscellaneous Changes] Ordinance amending the Business and Tax Regulations Code by, among other things: 1) amending the Common Administrative Provisions to require monthly installment payments rather than prepayments of hotel and parking taxes, eliminate the requirement for annual parking tax bond renewal, provide a due date for business registration fees, exclude penalties from the calculation of interest on tax determinations, add a substantial underreporting penalty for failure to file a return when the tax liability exceeds \$5,000, and change the penalty for failure to register or update a registration, making misstatements in registration, failure to allow inspection of or to produce records, and failure to file a return; 2) amending the Tax on Occupancy of Parking Space in Parking Stations to eliminate the pre-payment Revenue Control Equipment certification; 3) amending Business Registration provisions to require a copy of the business registration certificate rather than a business tax registration tag be displayed on company vehicles, and to eliminate the Tax Collector's authority to suspend a business registration certificate; 4) amending the Payroll Expense Tax Ordinance to provide that interest applies to unpaid penalties but not unpaid fees and interest, and to change the date that the Office of Economic and Workforce Development must provide the Tax Collector a list of persons eligible to claim the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion; and 5) amending Parking Stations, Revenue Control Equipment to specify the date the Revenue Control Equipment Compliance Fee is due. Explanatory Documents: BOS File No. 130784. (Discussion and Possible Action Item)
10. Staff report and review of SBC/OSB projects and programs assigned to the Committee. (Discussion Item)
11. Staff report on policy matters before the Small Business Commission. (Discussion Item)
12. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)
13. Commissioner Reports (Discussion Item)
14. New Business – allows committee members to introduce new agenda items for future consideration by the committee.
15. Adjournment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call the Office of Small Business at (415) 554-6134 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and the Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

### SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



[Health Code - Licensing and Regulation of Massage Establishments and Practitioners]

Ordinance amending the Health Code to require massage practitioners licensed by San Francisco to wear photo identification cards when working; deny Massage Establishment permits to applicants convicted of specified crimes; to provide an appeal process for persons denied a Massage Establishment permit; to establish health and safety requirements for all Massage Establishments; to establish penalties for violations of Article 29 governing Massage Practitioners and Massage Establishments; to require notice of violations be sent to the owner(s) of property where Massage Establishments are located; and making environmental findings.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strike through italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strike through Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

Section 2. The Health Code is hereby amended by revising Section(s) 1905, 1909, 1910, 1928, to read as follows:

1           **SEC. ~~190529.6~~. IDENTIFICATION CARD FOR PRACTITIONERS NOT CERTIFIED BY**  
2   **THE STATE.**

3           The Director shall provide all massage practitioners granted a permit, who are not  
4   certified as a massage practitioner or therapist by the State of California pursuant to the California  
5   Business and Professions Code, granted a permit with an photo identification card. Massage  
6   practitioners must wear their identification card at all times when they are working at any massage  
7   establishment or solo practitioner massage establishment. The identification card must be  
8   presented to any City health inspector or law enforcement officer upon request at all times  
9   during the regular business hours of any massage establishment or solo practitioner massage  
10   establishment.

11           **SEC. ~~190929.11~~. APPLICATION FOR MESSAGE ESTABLISHMENT, SOLO**  
12   **PRACTITIONER MESSAGE ESTABLISHMENT, OR OUTCALL MESSAGE SERVICE**  
13   **PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE STATE.**

14           (a) Unless certified as a massage practitioner or therapist by the State of California  
15   pursuant to the California Business and Professions Code, Every applicant for a massage  
16   establishment, solo practitioner massage establishment, or outcall message service permit  
17   shall file an application with the Director upon a form provided by the Director and pay a non-  
18   refundable application fee, as set forth in Section ~~192729.26~~.

- 19           (b) The application shall set forth, under penalty of perjury, the following:
- 20               (1) The exact nature of the services to be rendered;
- 21               (2) The address of the proposed place of business and facilities thereof;
- 22               (3) The number of individuals to be employed by the business, and, in the  
23   case of a solo massage practitioner establishment, the names of any massage practitioners  
24   who shall operate under that permit;
- 25               (4) The name, residence address, and date of birth of each applicant;

1 (5) Any history of previous massage permits or licenses in San Francisco or  
2 elsewhere, including whether any such permit or license has been revoked and the reasons  
3 therefor, for each applicant; and

4 (6) All felony or misdemeanor convictions for the applicant within the preceding  
5 five years, including, but not limited to, felony sexual assault; sexual battery (Cal. Penal Code 243.4),  
6 rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5); prostitution offenses related to  
7 pimping (Cal. Penal Code 266 and applicable subsections); sex crimes for which registration is  
8 required under the Sex Offender Registration Act (Cal Penal Code 290); loitering for lewd or  
9 lascivious purposes (Cal. Penal Code 647(d), 647(h)); and human trafficking (Cal. Penal Code 236.1).

10 (c) The Director is hereby authorized to require in the application any other  
11 information including, but not limited to, information related to the health, hygiene, and  
12 sanitation of the premises and any information necessary to confirm the accuracy of the  
13 matters set forth in the application.

14 (d) If an applicant for a massage establishment or outcall massage service permit  
15 is a corporation, the name of the corporation shall be set forth exactly as shown in its articles  
16 of incorporation together with the names and residence addresses of each of the officers,  
17 directors, and each stockholder holding more than 10 percent of the stock of the corporation.  
18 If the application is a partnership, the application shall set forth the name and the residence  
19 address of each of the partners, including limited partners. If one or more of the partners is a  
20 corporation, the provisions of this Section pertaining to corporate applicants applies. The  
21 same permit and criminal history information required of individual applicants, set forth in  
22 subsection (b)(6), above, shall be provided for each officer, director, and stockholder holding  
23 more than 10 percent of the stock of the corporation, or for each partner, including limited  
24 partners.

1 (e) In addition to the information required under subsections (b) and (c), an  
2 applicant for a solo practitioner massage establishment permit shall provide proof that he or  
3 she holds a current, valid advanced massage practitioner permit issued by the Director under  
4 Section ~~1901-29.2~~.

5 (f) Applicants shall also submit proof of compliance with any applicable Planning Code  
6 requirements regarding notice and posting of the proposed establishment.

7 (g) An advanced massage practitioner holding a solo practitioner massage  
8 establishment permit shall not be required to pay any additional permit fee for an outcall  
9 massage service permit.

10 (h) Within 14 days following a hearing, or, if no hearing is held, within 60 business days  
11 following receipt of a completed application for a permit for a massage establishment that does not  
12 solely employ practitioners certified as a massage practitioner or therapist by the State of California  
13 pursuant to the California Business and Professions Code the Director shall either issue the permit or  
14 mail a written statement of his or her reasons for denial thereof to the applicant. If the Director takes  
15 neither action, the permit shall be deemed issued.

16 (i) No massage establishment permit shall be issued if the Director finds:

17 (1) The applicant has provided materially false documents or testimony; or

18 (2) The applicant has not complied fully with the provisions of this Article; or

19 (3) Within five years immediately prior to the date of application, the applicant has had any  
20 license or permit related to the operation of a massage establishment revoked; or

21 (4) The applicant has been convicted of any of the following offenses or convicted of an offense  
22 outside the State of California that would have constituted any of the following offenses if committed  
23 within the State of California, within the last five years: felony sexual assault; sexual battery (Cal.  
24 Penal Code 243.4), rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5); prostitution  
25 offenses related to pimping (Cal. Penal Code 266 and applicable subsections); sex crimes for which

1 registration is required under the Sex Offender Registration Act (Cal Penal Code 290); loitering for  
2 lewd or lascivious purposes (Cal. Penal Code 647(d), 647(h)); and human trafficking (Cal. Penal Code  
3 236.1).

4 (i) If an application for a massage practitioner permit is denied, within 30 days of the date  
5 of receipt of the notice of denial, the applicant may appeal the decision by notifying the Director in  
6 writing. The notice shall set forth in detail the ground or grounds for the appeal. Within 30 days of  
7 receipt of the notice of appeal, the Director shall conduct a hearing to consider the appeal. At least 10  
8 days prior to the hearing, the Director shall notify the applicant of the time and place of the hearing.  
9 The Director shall oversee the hearing, provide the applicant an opportunity to speak at the hearing,  
10 and issue a ruling within 30 days of its conclusion. The Director's ruling shall be final.

11 **SEC. 191029.12. OPERATING REQUIREMENTS FOR MASSAGE**  
12 **ESTABLISHMENTS.**

13 No permit to conduct a massage establishment shall be issued unless an inspection by the  
14 Director reveals that the All massage establishments must comply with each of the following  
15 health and safety requirements:

16 (a) Toilet rooms shall be provided for patrons in convenient locations.

17 (1) Construction of rooms used for toilets, as well as rooms used for, tubs, steam  
18 baths, and showers shall be made waterproof with hard nonabsorbent materials which are  
19 easily cleaned and shall be installed in accordance with the San Francisco Building Code.

20 (2) Plumbing fixtures in toilet rooms as well as rooms used for, tubs, steam baths, and  
21 showers shall be installed in accordance with the San Francisco Plumbing Code.

22 (1) For toilet rooms, toilet room vestibules, and rooms containing bathtubs, there shall  
23 be a waterproof floor covering, which will be carried up all walls to a height of at least five inches.  
24 Floors shall be coved at the juncture of the floor and wall with a inch minimum radius coving.



(2)—Steam rooms and shower compartments shall have waterproof floors, walls, and ceilings approved by the Director.

(3)—Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.

(4)—A source of hot water must be available within the vicinity of dry and wet heat rooms to facilitate cleaning.

(b)—Toilet facilities shall be provided in convenient locations. When five or more employees or patrons of different genders are on the premises at the same time, separate toilet facilities shall be provided. A single toilet shall be provided for each 1.5 or more persons of the same gender on the premises at any one time. (3)Urinals may be substituted for toilets after one toilet has been provided.

(4)Doors to toilet rooms shall open inward and be self-closing.

(5) Toilet rooms shall be designated as to the gender accommodated therein.

(b) Handwashing facilities shall be provided within or adjacent to the toilet rooms and shall be equipped with an adequate supply of hot and cold running water under pressure.

(1) Lavatories or wash basins with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins must have soap in a dispenser and sanitary towels.

(2) Handwashing facilities shall be readily accessible to the massage practitioner.

(dc) All portions of the massage establishment shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than of the total floor area, or shall be provided with an approved artificial light and a mechanical operating ventilating system. *When windows or skylights are used for ventilation, at least 1/2 of the total required window area shall be operable. To allow for adequate ventilation, cubicles, rooms, and areas*

provided for the use of patrons not served directly by a window, skylight, or mechanical system of ventilation shall be constructed so that the height of the partitions does not exceed 75 percent of the floor-to-ceiling height of the area in which they are located.

(1) Toilet, dressing and massage rooms shall be provided with at least 108 lux (10 foot candles) of light.

(e2) All electrical equipment shall be installed in accordance with the requirements of the San Francisco Electrical Code.

(d) A room, enclosure, or designated area shall be provided where patrons can change and store their clothes.

(e) A room, enclosure, or designated area, which is separate from the toilet, massage room(s), steam room, or other common areas shared by the patrons shall be made available for each employee.

(f) Every portion of a massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(1) Adequate and suitable space shall be provided for storage of clean linens, including but not limited to sheets, towels, and apparel.

(2) Every massage establishment shall provide clean laundered sheets and towels and shall launder them after each use and store them in a sanitary manner.

(3) No towels or sheets shall be laundered or dried in any massage establishment unless such massage establishment has laundry facilities for such laundering and drying.

(4) The massage establishment shall provide smooth, cleanable appropriately labeled receptacles for the storage of soiled linens and disposal of paper towels.

(5) The massage establishment shall appropriately bag and dispose of soiled refuse.

(6) Every massage establishment shall thoroughly sanitize its wet and dry heat rooms, shower compartments, and toilet rooms each business day.

(7) Bathtubs shall be thoroughly cleaned and sanitized after each use.

1           (g) Any room in which a massage establishment provides massage services shall not be used  
2 for residential or sleeping purposes; provided, however, that the Director may allow such room to be  
3 used for residential or sleeping purposes if the Director finds that the health and safety of the patrons  
4 of the massage establishment will not be jeopardized.

5           (h) Massage practitioners shall not engage in lewd or lascivious acts on the premises of a  
6 massage establishment during business hours, including but not limited to: the performance of acts, or  
7 simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or  
8 vaginal), flagellation; the actual or simulated caressing or fondling by one adult human being of the  
9 breast, anus or genitals of another adult human being; the actual or simulated displaying of the pubic  
10 hair, anus, vagina, penis, vulva, buttocks, areola, or any other external genitalia of the human body.

11           (i) Massage Establishment doors shall remain unlocked during business hours, except when  
12 there is no staff available to ensure security for clients and massage staff who are behind closed doors.

13           (j) No alcoholic beverages or drugs may be sold, served, used, or possessed on the  
14 premises of any massage establishment during business hours. "Alcoholic beverage" includes a  
15 mixture of one or more alcoholic beverages ingested separately or as a mixture as defined in Section  
16 23004 of the California Business and Professions Code.. "Drug" shall include all narcotics, drugs, or  
17 controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the  
18 California Health and Safety Code.

19           **SEC. ~~1928~~ 29.27. VIOLATIONS AND ADMINISTRATIVE PENALTIES.**

20           (a) Any person who violates any provision of this Article or any rule or regulation  
21 adopted pursuant to Section ~~1926~~ 29.25 may, after being provided notice and an opportunity to  
22 be heard, be subject to the following monetary penalties and/or permit penalties: an administrative  
23 fine not to exceed \$1,000 for the first violation of any provision of this Article or any rule or regulation  
24 in a 24 month period, \$2,500 for the second violation of any provision of this Article or any rule or  
25 regulation in a 24 month period, and \$5,000 for the third and subsequent violations of any provision of

~~this Article or any rule or regulation in a 24 month period; provided, however, that the schedule of administrative fines for a massage practitioner shall be as follows: not to exceed \$250 for the first violation of any provision of this Article or a rule or regulation in a 24 month period, \$500 for the second violation of any provision of this Article or any rule or regulation in a 24 month period, and \$1,000 for the third and subsequent violations of any provision of this Article or any rule or regulation in a 24 month period.~~

~~(b) Any permittee who knowingly employs a massage practitioner who is not in possession of a valid permit or who allows such a massage practitioner to perform, operate, or practice in the permittee's place of business may, after being provided notice and an opportunity to be heard, be subject to an administrative fine not to exceed \$1,000 for the first violation in a 24 month period, \$2,500 for the second violation in a 24 month period, and \$5,000 for the third and subsequent violations in a 24 month period.~~

~~—(c) In determining the amount of the administrative fine, the hearing officer shall consider any relevant circumstance presented by any of the parties, including but not limited to the nature and seriousness of the violation, the number of violations, the persistence of the violation, the length of time over which the violation occurred, the willfulness of the violation, and the impacts of the violation on the community.~~

(1) Establishment Operating Without a Permit from the San Francisco Department of Public Health.

(A) Administrative fine: Up to \$1,000 per day of operating without a permit;  
and

(B) Permit penalty: Revocation, and Massage Establishment location and permittee are ineligible for a new permit from the San Francisco Department of Public Health for 180 days.

(C) Repeat violations: Same penalties as (a)(1)(A) and (a)(1)(B).

1                   (2) Establishment Violating Conditions of California Business and Professions  
2                   Code sections 4600-4620 and all Implementing Regulations.

3                   (A) Administrative fine: Up to \$1,000 per day of operating without a permit;  
4                   and

5                   (B) Permit Penalty: Massage Establishment location and permittee are  
6                   ineligible for a permit from the San Francisco Department of Public Health for 180 days.

7                   (C) Repeat violations: Same penalties as (a)(3)(A) and (a)(3)(B)

8                   (3) Massage Establishment Employing Underage Practitioner.

9                   (A) Administrative fine: None.

10                  (B) Permit penalty: Mandatory 60-120 days suspension of Massage  
11                  Establishment permit.

12                  (C) Repeat violations: Revocation for second occurrence within 36 months of  
13                  first occurrence and Massage Establishment location and permittee are ineligible for a new permit for  
14                  180 days.

15                  (4) Solicitation Charges or Convictions, as Defined by California Penal Code  
16                  section 647 and/or San Francisco Police Code section 225, for anyone working at Massage  
17                  Establishment.

18                  (A) Administrative fine: \$5,000 to be paid by Massage Establishment  
19                  permittee; and

20                  (B) Permit penalty: Mandatory 60-120 days suspension of Massage  
21                  Establishment permit.

22                  (C) Repeat violations: Revocation; Permittee ineligible for a new Massage  
23                  Establishment permit from the San Francisco Department of Public Health, at any location.

24                  (5) Trafficking Charges or Convictions, as Defined by California Penal Code  
25                  Section 236.1, for anyone working at Massage Establishment.

1 (A) Administrative fine: None.

2 (B) Permit penalty: Revocation and Permittee ineligible for a new Massage

3 Establishment permit, at any location.

4 (C) Repeat violations: Same penalty as (a)(5)(B).

5 (6) Establishment Knowingly Employing Unlicensed Practitioner.

6 (A) Administrative fine: \$1,000 to be paid by Massage Establishment  
7 permittee.

8 (B) Permit penalty: None.

9 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine for 2nd  
10 occurrence within a 24 month period; 30-60 days suspension or permit revocation, and up to \$5,000  
11 fine for 3rd occurrence within 24 months.

12 (7) Establishment Used for Residential Sleeping Purposes, Without Authorization by  
13 the City and County of San Francisco Director of Public Health.

14 (A) Administrative fine: Up to \$1,000.

15 (B) Permit penalty: None.

16 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine and for  
17 2nd occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine for 3rd occurrence  
18 within 24 months.

19 (8) Presence of beds instead of massage tables.

20 (A) Administrative fine: None.

21 (B) Permit penalty: Notice of violation only.

22 (C) Repeat violations: Up to \$1,000 fine for 2nd occurrence within 24  
23 months; 15-30 day suspension and up to \$2,500 fine and for 3rd occurrence within 24 months.

24 (9) Massage Practitioner Wearing Improper Attire.

1                   (A) Administrative fine: Up to \$250 to be paid by practitioner and up to \$250  
2 per person to be paid by Massage Establishment permittee; and,

3                   (B) Permit penalty: Notice of violation.

4                   (C) Repeat violations: Up to \$500 fine for 2nd and each subsequent  
5 occurrence and 60 day suspension for practitioner and 60 day suspension per person for Massage  
6 Establishment permit.

7                   (10) Sanitation Issues.

8                   (A) Administrative fine: None.

9                   (B) Permit penalty: Notice of violation.

10                  (C) Repeat violations: Up to \$250 fine and 60 day suspension for Massage  
11 Establishment permit.

12                  (11) Massage Establishment Operating Past 10 p.m.

13                  (A) Administrative fine: Up to \$1,000.

14                  (B) Permit penalty: None.

15                  (C) Repeat violations: 15-30 days suspension and up to \$2,500 for 2nd  
16 occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine for 3rd and each  
17 subsequent occurrence within 24 months.

18                  (12) Practicing Massage Without a Permit.

19                  (A) Administrative fine: \$250 fine.

20                  (B) Permit penalty: None.

21                  (C) Repeat violations: \$500 fine for 2nd occurrence within 24 months;  
22 \$1,000 fine for 3rd and each subsequent occurrence within 24 months, and Practitioner ineligible for  
23 San Francisco Department of Public Health permit for 180 days.

24                  (13) Anyone performing sex acts on Massage Establishment premises during business  
25 hours.

1 (A) Administrative fine: \$1000 to be paid by Massage Establishment  
2 permittee, and

3 (B) Permit penalty: 60 day permit suspension of Massage Establishment  
4 permit.

5 (C) Repeat violations: Permit revocation of both practitioner and Massage  
6 Establishment permittee.

7 (14) All other violations of San Francisco Health Code Article 29, and any Massage  
8 Program Rules and Regulations.

9 (A) Administrative fine: Up to \$1,000; and

10 (B) Permit penalty: suspension or revocation.

11 (C) Repeat violations: \$2,500 for the second violation in a 24-month period;  
12 \$5,000 for the third and subsequent violations in a 24-month period; and suspension or revocation.

13 (b) Written notice of each violation shall be provided to the owner(s) of the property upon  
14 which the Massage Establishment is located.

15 ~~(d)~~ Administrative fines collected under this Section shall be used to support the  
16 Department of Public Health and its Health Code enforcement functions.

17 (e) Nothing in this Section shall preclude the prosecution of anyone under Health  
18 Code Section ~~4928.2~~ 29.29, the laws of the State of California or the laws of the United States  
19 of America-

20 Section 3. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,



1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Health  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the "Note" that appears under  
4 the official title of the ordinance.

5 Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word  
6 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any  
7 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
8 portions of this ordinance. The Board of Supervisors hereby declares that it would have  
9 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and  
10 word not declared invalid or unconstitutional without regard to whether any other portion of  
11 this ordinance would be subsequently declared invalid or unconstitutional.

12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By: \_\_\_\_\_  
16 VIRGINIA DARIO ELIZONDO  
17 Deputy City Attorney

18  
19  
20  
21  
22  
23  
24  
25  
n:\legana\as2013\1400003\00862891.doc

[Business and Tax Regulations Code - Administrative Changes]

Ordinance amending the Business and Tax Regulations Code by amending the Common Administrative Provisions to require monthly installment payments rather than prepayments of hotel and parking taxes, eliminate the requirement for annual parking tax bond renewal, provide a due date for business registration fees, exclude penalties from the calculation of interest on tax determinations, add a substantial underreporting penalty for failure to file a return when the tax liability exceeds \$5,000, and change the penalty for failure to register or update a registration, making misstatements in registration, failure to allow inspection of or to produce records, and failure to file a return; amending the Tax on Occupancy of Parking Space in Parking Stations to eliminate the pre-payment Revenue Control Equipment certification; amending Business Registration provisions to require a copy of the business registration certificate rather than a business tax registration tag be displayed on company vehicles, and to eliminate the Tax Collector's authority to suspend a business registration certificate; amending the Payroll Expense Tax Ordinance to provide that interest applies to unpaid penalties but not unpaid fees and interest, and to change the date that the Office of Economic and Workforce Development must provide the Tax Collector a list of persons eligible to claim the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion; and amending Parking Stations, Revenue Control Equipment to specify the date the Revenue Control Equipment Compliance Fee is due.

NOTE: Unchanged Code text and uncoded text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~strikethrough Arial font~~.

Asterisks ( \* \* \* ) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Clarification regarding Proposition E (November 6, 2012) and Sections 6.9-1, 6.9-3, and 905-A. Article 6, Sections 6.9-1 and 6.9-3, and Article 12-A, Section 905-A of the Business and Tax Regulations Code were amended by Proposition E, adopted by the voters at the election on November 6, 2012, and the Proposition E amendments are set to become operative on January 1, 2014. But because these Proposition E amendments are not yet operative, they are not included in the the Business and Tax Regulations Code. This ordinance, however, treats those three sections as if they are already in the Business and Tax Regulations Code as amended by Proposition E. Accordingly, the amendments in this ordinance shown in those sections as additions and deletions are amendments of the text of Proposition E as amended by the voters, not the text of those sections as they now appear in the Business and Tax Regulations Code.

Section 2. The Business and Tax Regulations Code is hereby amended by revising Article 6, Sections 6.6-1, 6.8-1, 6.9-1, 6.9-3, 6.9-4, 6.9-5, 6.9-6, 6.11-1, 6.11-2, 6.11-3, 6.17-2, 6.17-3, and 6.21-1 to read as follows:

**SEC. 6.6-1. CERTIFICATE OF AUTHORITY FOR THIRD-PARTY TAXES.**

(a) These additional provisions shall apply to operators under the transient hotel occupancy tax (Article 7), the parking space occupancy tax (Article 9), the utility users tax (Article 10) and the access line tax (Article 10B).

1 (b) Every operator who is required to collect or remit any third-party tax must possess  
2 a valid certificate of authority issued by the Tax Collector.

3 (c) The application for a certificate of authority shall be on a form provided by the Tax  
4 Collector and shall set forth the name under which the person transacts or intends to transact  
5 business, the location of each of the person's places of business in the City, and such other  
6 information as the Tax Collector may require. The application shall be signed by the owner if  
7 a sole proprietor, by a member or partner, in the case of an association, or by an executive  
8 officer or some person specifically authorized by the corporation to sign the application in the  
9 case of a corporation. No person shall operate a business for which a certificate of authority  
10 is required under subsection (b) unless and until the Tax Collector has issued that person a  
11 certificate of authority. The holder of a certificate of authority must promptly notify the Tax  
12 Collector of any changes to the information stated in the certificate of authority application.

13 (d) Except as provided in subsections (f), (g), (h), and (j) below, the Tax Collector,  
14 within 45 days after the application is complete, shall issue a separate certificate of authority  
15 to the operator to collect third-party taxes from customers for each location at which the  
16 operator is required to collect such taxes. The certificate will expire on a date certain set by  
17 the Tax Collector. The operator must apply for renewal of the certificate, before it expires, if  
18 the operator intends to continue to engage in business in the City. Except as provided in  
19 subsections (f), (g), (h) and (j), the Tax Collector may issue successive, one-year renewals of  
20 an operator's certificate. Each certificate shall state the location of the place of business to  
21 which it applies and shall be prominently displayed at such location in plain view of all  
22 customers. Certificates of authority may not be assigned or transferred. The operator shall  
23 immediately surrender to the Tax Collector the certificate for that location upon the operator's  
24 cessation of business at that location or upon the sale or transfer of the business.

(e) The holder of a certificate of authority to collect parking taxes under Article 9 shall remain presumptively liable for the collection of parking taxes at the location named in the certificate, and for the reporting and remittance of such taxes to the Tax Collector, unless and until the holder of the certificate both

(1) notifies the Tax Collector in writing that the holder has ceased to conduct a parking business at such location, and

(2) surrenders the certificate for that location to the Tax Collector.

(f) (1) The Tax Collector may refuse to issue the certificate where, within the 45-day period referred to in subsection (d) above, the Tax Collector determines that the operator, or any signatory to the application, or any person holding a 10 percent or greater legal or beneficial interest in said operator ("10% owner") is not in compliance with any provision of Articles 6, 7, 9, 10, 10B, 12, 12-A, 12-A-1, or 22, including but not limited to any failure to timely collect, report, pay, or remit any tax imposed by this Code, or where any such person is not in compliance with any provision of Sections 1215 through 1223 inclusive of Article 17 of the Police Code.

(2) Solely for purposes of determining under this Section whether any such operator, signatory or 10% owner is not in compliance with such Articles, the Tax Collector may disregard any corporation or association owned or controlled, directly or indirectly, by any such operator, signatory or 10% owner and consider such corporation or association's operations and liabilities as conducted by or as owned by any one or more of such corporation or association's officers, directors, partners, members or owners. For purposes of this Section, (A) the term "owned" means ownership of 50 percent or more of the outstanding ownership interests in such corporation or association, and (B) the term "controlled" includes any kind of control, whether direct or indirect, whether legally enforceable, and however exercisable or exercised over such corporation or association. A presumption of control

1 arises if the operator, signatory or 10% owner is (or was) an officer, director, partner or  
2 member of such corporation or association.

3 (g) Further, if any person subject to this Section violates any provision of Articles 6, 7,  
4 9, 10, 10B, 12, 12-A, 12-A-1, or 22, or a rule or regulation promulgated by the Tax Collector,  
5 including but not limited to any failure to timely collect, report, pay, or remit any tax imposed  
6 by this Code, failure to maintain accurate registration information, failure to sign any return or  
7 pay any tax when due, or failure to timely respond to any request for information, order for  
8 records or subpoena, or for failure to comply with the requirements of Article 22 of the  
9 Business and Tax Regulations Code or any provision of Sections 1215 through 1223 inclusive  
10 of Article 17 of the Police Code, the Tax Collector may, after serving the person with written  
11 notice of his or her determination in the manner provided in Section 6.11-2 and an opportunity  
12 to be heard pursuant to the notice and review provisions of Section 6.13-1 *et seq.*, refuse to  
13 issue that person a new certificate of authority or may revoke or suspend that person's  
14 certificate of authority. The Tax Collector may refuse to issue that person a new certificate of  
15 authority or to withdraw the suspension of an existing certificate until the person, signatory to  
16 the application for the certificate revoked or suspended, signatory to the application for a new  
17 certificate or withdrawal of the suspension, and all 10% owners have complied with the  
18 provisions of Articles 6, 7, 9, 10, 10B, 12, 12-A, 12-A-1, and 22 and corrected the original  
19 violation to the satisfaction of the Tax Collector. For any person applying for or holding a  
20 certificate of authority to collect parking taxes, the Tax Collector shall promptly notify the Chief  
21 of Police in writing that it has revoked a person's certificate of authority, refused to issue a  
22 new certificate of authority, suspended an existing certificate of authority or determined that  
23 the person is not in compliance with the Business and Tax Regulations Code. The Tax  
24 Collector shall in writing request that the Chief of Police refuse to issue a commercial parking  
25

1 permit to the person or suspend or revoke the person's existing commercial parking permit  
2 and immediately close the business, pursuant to Sec. 1215.3(b) of the Police Code.

3 (h) (1) Before any certificate of authority shall be issued to any applicant to engage  
4 in the business of renting parking space in a parking station in this City and ~~annually~~, for as  
5 long as the business continues, such applicant shall file with the Tax Collector a bond naming  
6 the City as exclusive beneficiary at all times the applicant engages in such business. Such  
7 bond shall be in the following amounts:

Annual gross receipts for parking station	Bond amount
Less than \$100,000.00	\$20,000
\$100,000.00 to \$250,000.00	\$50,000
\$250,000.01 to \$500,000.00	\$100,000
\$500,000.01 to \$750,000.00	\$150,000
\$750,000.01 to \$1,000,000.00	\$200,000
\$1,000,000.01 to \$1,250,000.00	\$250,000
\$1,250,000.01 to \$1,500,000.00	\$300,000
\$1,500,000.01 to \$1,750,000.00	\$350,000
\$1,750,000.01 to \$2,000,000.00	\$400,000
\$2,000,000.01 to \$2,250,000.00	\$450,000
\$2,250,000.01 to \$2,500,000.00	\$500,000
\$2,500,000.01 to \$2,750,000.00	\$550,000
\$2,750,000.01 to \$3,000,000.00	\$600,000
\$3,000,000.01 to \$3,250,000.00	\$650,000
\$3,250,000.01 to \$3,500,000.00	\$700,000
\$3,500,000.01 to \$3,750,000.00	\$750,000
\$3,750,000.01 to \$4,000,000.00	\$800,000





(b) The foregoing exemption from taxation does not relieve an exempt party from its duty to collect, report, and remit third-party taxes.

#### SEC. 6.9-1. DETERMINATIONS, RETURNS AND PAYMENTS; DUE DATE OF TAXES.

Except for jeopardy determinations under Section 6.12-2, and subject to ~~prepayments~~remittances required under Section 6.9-2, all amounts of taxes and fees imposed by Articles 6, 7, 9, 10, 10B, 11, 12, 12-A<sub>2</sub> and 12-A-1 are due and payable, and shall be delinquent if not paid to the Tax Collector on or before the following dates:

(a) For the transient hotel occupancy tax (Article 7) and the parking space occupancy tax (Article 9), for each ~~calendar quarter, on or before the last day of the month following each respective quarterly period~~monthly period, on or before the last day of the following month;

(b) For the payroll expense tax (Article 12-A) and the gross receipts tax (Article 12-A-1), on or before the last day of February of each year;

(c) For the utility users taxes (Article 10) and the access line tax (Article 10B), for each monthly period, on or before the last day of the following month;~~and~~

(d) For the stadium operator admission tax (Article 11), within 5 days after the event, subject to the provisions of Section 804 of Article 11~~;~~ and

(e) For the business registration certificate (Article 12), on or before the last day of May preceding the registration year commencing July 1 of that year.

#### SEC. 6.9-3. DETERMINATIONS, RETURNS AND PAYMENTS;~~PREPAYMENTS.~~

(a) ~~Prepayments and~~ Remittances. Notwithstanding the due dates otherwise provided in Section 6.9-1, taxpayers shall make~~prepayments and~~ remittances of taxes and third-party taxes to the Tax Collector as follows:

1 (1) Hotel and Parking Taxes. The Hotel Tax (Article 7) and the Parking Tax  
2 (Article 9) returns shall be filed monthly and taxes shall be remitted monthly. Such monthly  
3 remittances shall be due and payable to the Tax Collector on or before the last day of the  
4 month immediately following the month for which such remittance is due. ~~Taxes paid in the first~~  
5 ~~2 monthly remittances of any quarterly period shall be a credit against the total liability for such third-~~  
6 ~~party taxes for the quarterly period. The third monthly remittance of any quarterly period shall be in~~  
7 ~~an amount equal to the total tax liability for the quarterly period, less the amount of any monthly~~  
8 ~~remittance for such quarter actually paid.~~

9 (2) Payroll Expense Tax and Gross Receipts Tax. The payroll expense tax  
10 (Article 12-A) and the gross receipts tax (Article 12-A-1) shall be paid in quarterly installments  
11 as follows:

12 (A) Due Dates. Every person liable for payment of payroll expense tax or  
13 gross receipts tax for any tax year shall pay such tax for the subject tax year in 4 quarterly  
14 installments. The first, second and third quarterly installments shall be due and payable, and  
15 shall be delinquent if not paid on or before, April 30, July 31, and October 31st, respectively, of  
16 the subject tax year. The fourth installment shall be reported and paid on or before the last  
17 day of February following the subject tax year.

18 (B) Payments.

19 (i) Installment Payments. The first, second, and third quarterly  
20 installments shall be a credit against the person's total payroll expense tax or gross receipts  
21 tax, as applicable, for the subject tax year in which such first, second, and third quarterly  
22 installments are due. The fourth quarterly installment shall be in an amount equal to the  
23 person's total payroll expense tax or gross receipts tax liability for the subject tax year, as  
24 applicable, less the amount of the payroll expense tax or gross receipts tax first, second, and  
25 third quarterly installments and other tax payments, if any, actually paid.

(ii) Payroll Expense Tax Installments. A person's first, second, and third quarterly installment payments of payroll expense tax for any tax year shall be computed by using:

1. The person's taxable payroll expense (as defined under Article 12-A) for each quarter; and

2. The rate of tax applicable to the tax year in which the first, second, and third quarterly installments are due.

3. Notwithstanding the foregoing, and except for taxpayers under Section 953.8 of Article 12-A-1, for tax years commencing after December 31, 2013, the first, second, and third quarterly installments shall be computed using the rates set forth in the following table:

Tax Year	1st, 2nd and 3rd Installments
2014	1.350%
2015	1.125%
2016	0.750%
2017	0.375%
2018	0.000%

The fourth quarterly installment shall be in an amount equal to the person's total payroll expense tax liability for the subject tax year, less the amount of the first, second, and third quarterly installments and other tax payments, if any, actually paid. A person's total payroll expense tax liability shall be computed using the rate for the subject tax year computed, certified, and published by the Controller under Section 903.1 of Article 12-A or as otherwise provided in this Article.

(iii) Gross Receipts Tax Installments. A person's first, second, and third quarterly installments of gross receipts tax for any tax year shall be computed by using:

1. The person's taxable gross receipts (as defined under Article 12-A-1) for each quarter; and

2. The rate of tax applicable to the tax year in which the first, second, and third quarterly installments are due.

3. Notwithstanding the foregoing, and except for taxpayers under Section 953.8 of Article 12-A-1, for tax years commencing after December 31, 2013, the first, second, and third quarterly installments shall be computed using the rates applicable to the person's taxable gross receipts under Sections 953.1 through 953.7 of Article 12-A-1, multiplied by the percentages set forth in the following table:

Tax Year	1st, 2nd and 3rd Installments
2014	10%
2015	25%
2016	50%
2017	75%
2018	100%

The fourth quarterly installment shall be in an amount equal to the person's total gross receipts tax liability for the subject tax year, less the amount of the first, second, and third quarterly installments and other tax payments, if any, actually paid. A person's total gross receipts tax liability shall be computed using the rate for the subject tax year computed, certified, and published by the Controller under Section 959 of Article 12-A-1, or as otherwise provided in that Article.

(b) ~~Tax Prepayment~~Installment Penalties. Every person who fails to pay any tax ~~prepayment~~installment required under this Section before the relevant delinquency date shall

1 pay a penalty in the amount of 5 percent of the amount of the delinquent tax  
2 ~~prepaymentinstallment~~ per month, or fraction thereof, up to 20 percent in the aggregate, and  
3 shall also pay interest on the amount of the delinquent tax ~~prepaymentinstallment~~ and penalties  
4 from the date of delinquency at the rate of 1 percent per month, or fraction thereof, for each  
5 month the ~~prepaymentinstallment~~ is delinquent, until paid.

6 (c) Hotel and Parking Taxes. An operator subject to the Hotel Tax (Article 7) or the  
7 Parking Tax (Article 9) shall make monthly remittances in the amount of the actual tax owed.

8 (d) Forms and Adjustments. Tax ~~prepaymentsremittances~~ required under this Section  
9 shall be accompanied by a tax ~~prepaymentremittance~~ form prepared by the Tax Collector, but  
10 failure of the Tax Collector to furnish the taxpayer with a tax ~~prepaymentremittance~~ form shall  
11 not relieve the taxpayer from any tax ~~prepaymentpayment~~ obligation. ~~The Tax Collector may, in~~  
12 ~~writing, adjust the amount of a tax prepayment if the taxpayer can establish in writing by clear and~~  
13 ~~convincing evidence that the first installment of semi-annual tax prepayments, or first, second or third~~  
14 ~~monthly installment of a quarterly tax prepayment, will amount to more than one-half or one-quarter,~~  
15 ~~respectively, of the person's total tax liability for the tax year in which the installment is due.~~

#### 16 17 **SEC. 6.9-4. DETERMINATIONS, RETURNS AND PAYMENTS; EXTENSION OF TIME FOR** 18 **FILING A RETURN AND PAYING TAX.**

19 (a) For good cause, the Tax Collector, in his or her discretion, may extend, for a period  
20 not to exceed 60 days, the time for filing any return pursuant to this Article or regulations  
21 prescribed by the Tax Collector. For ~~prepayments of taxes or for~~ taxes required to be deposited  
22 monthly, the Tax Collector may only extend the time for filing a return for a period not to  
23 exceed 30 days. As a condition of such extension, the person seeking the extension shall  
24 make a payment of not less than 90 percent of such person's estimated liability for such  
25

period. For purposes of determining the amount of the conditional payment, the Tax Collector may independently establish the taxpayer's estimated tax liability.

(b) Failure to make the required ~~estimated prepayment~~ installment payment will result in the taxpayer being subject to penalties and interest under Section 6.17-1.

(c) Notwithstanding subsection (a) of this Section, the Tax Collector may extend any time for filing any return or payment of tax or excuse penalties for any late filing or late payment by a period not to exceed 60 days if billing or other administrative duties of the Tax Collector cannot be performed in a timely manner.

#### **SEC. 6.9-5. DETERMINATIONS, RETURNS AND PAYMENTS; CREDITS AND EXEMPTIONS.**

The credits and exemptions set forth in Articles 6, 7, 9, 10, 10B, 11, 12, 12-A, 12-A-1, and 12-C are provided on the assumption that the City has the power to offer such credits and exemptions. If a credit or exemption is invalidated by a court of competent jurisdiction, the taxpayer must pay any additional amount that the taxpayer would have owed but for such invalid credit or exemption. Amounts owed as a result of the invalidation of a credit or exemption that are paid within 3 years after the decision of the court becomes final shall not be subject to interest or penalties.

#### **SEC. 6.9-6. FILING AND PAYING BY MAIL.**

(a) **Filing by Mail.** Except as otherwise provided in this Section, taxpayers may file any return or other document with or make any payment to, ~~including a prepayment to,~~ the Tax Collector by United States mail.

\* \* \* \*

1     **SEC. 6.11-1. DEFICIENCY DETERMINATIONS; RECOMPUTATION; INTEREST.**

2             (a) If the Tax Collector determines that a taxpayer has failed to pay or has underpaid a  
3     tax, that an operator has failed to collect and remit all of a third-party tax, or that a person  
4     other than the taxpayer is jointly and severally liable for any unpaid or underpaid tax, including  
5     third-party taxes, the Tax Collector may compute and determine any tax deficiency upon the  
6     basis of the return or returns or upon the basis of any other information with in the Tax  
7     Collector's possession or that may come into the Tax Collector's possession. One or more  
8     deficiency determinations ~~may be made~~ of the amount due may be made for one or for more than  
9     one period.

10            (b) The amount of the determination, ~~inclusive~~exclusive of penalties, shall bear interest  
11    at the rate of 1 percent per month, or fraction thereof, from the 15th day after the close of the  
12    month or the ~~quarterly~~monthly period for third-party taxes, or from the last day of February  
13    following the close of the annual period, for which the amount or any portion thereof should  
14    have been ~~returned~~remitted until the date of payment in full, or, in the case of stadium operator  
15    admission taxes, from the due dates of said tax as set forth in Article 11, Section 804.

16            (c) In making a determination, the Tax Collector may offset overpayments for a period  
17    or periods together with interest on the overpayments, against underpayments for another  
18    period or periods, against penalties, and against the interest on the underpayments. The  
19    interest on underpayments and overpayments shall be computed in the manner set forth in  
20    Section 6.17-1 for underpayments and in Section 6.15-2 for overpayments.

21  
22     **SEC. 6.11-2. DEFICIENCY DETERMINATIONS; REVOCATION ~~AND SUSPENSION~~**  
23     **DETERMINATIONS; NOTICE AND SERVICE.**

24            (a) Upon making a determination pursuant to Section 6.11-1, or upon making a  
25    determination pursuant to Section 6.6-1 that a certificate shall not be issued or ~~to suspend or~~

1 revoke a registration, the Tax Collector shall give to the taxpayer or other person affected  
2 written notice of the Tax Collector's determination. Except in the case of fraud, intent to  
3 evade the Business and Tax Regulations Code or rules and regulations issued or  
4 promulgated by the Tax Collector, or failure to file a return, in which case there is no statute of  
5 limitations, every notice of a deficiency determination shall be served within 3 years after the  
6 date that a return was due for a tax for the reporting period or 3 years after the return was  
7 actually filed for that reporting period, whichever is later. ~~This limitations period shall apply only~~  
8 ~~to tax periods commencing after December 31, 2007. The notice requirements specified in Board of~~  
9 ~~Supervisors Ordinance No. 26-04 shall continue to apply to obligations arising in prior tax periods.~~  
10 The Taxpayer may agree in writing to extend the period for service of a notice of a deficiency  
11 determination otherwise provided in this paragraph.

12 (b) The notice of any determination under this Section may be served upon the  
13 taxpayer or other affected person personally or by mail; if by mail, service shall be

14 (1) to the last known address that appears or is shown in the Tax Collector's  
15 records, provided there is such an address in the Tax Collector's record, or

16 (2) to an address that the Tax Collector concludes in his discretion is the last  
17 known address of the person(s).

18 (c) In case of service by mail of any notice required by this Article to be served upon  
19 the taxpayer or other person, the service is complete at the time of deposit with the United  
20 States Postal Service.

21  
22 **SEC. 6.11-3. DETERMINATION IF NO RETURN MADE; ESTIMATE OF LIABILITY,**  
23 **PENALTIES AND INTEREST.**

24 (a) If any taxpayer or person responsible for paying a tax or remitting a third-party tax  
25 fails to make a timely return or ~~estimated tax prepayment~~ remittance, the Tax Collector may make



1 a determination based upon an estimate of the amount of the total tax liability of the taxpayer.  
2 The estimate shall be made for the period or periods in respect to which the person failed to  
3 timely make a return, ~~failed to timely make a prepayment~~ or failed to timely remit a tax, and may  
4 be based upon any information which is in the Tax Collector's possession or may come into  
5 his or her possession. Upon the basis of this estimate, the Tax Collector shall compute and  
6 determine the amount required to be paid to the City, adding to the sum thus computed a  
7 penalty equal to 20 percent thereof. One or more determinations may be made for one or  
8 more than one period. Any such determination shall be prima facie evidence of the person's  
9 liability in any subsequent administrative or judicial proceeding.

10 (b) In making a determination, the Tax Collector may offset overpayments for a period  
11 or periods, together with interest on the overpayments, against underpayments for another  
12 period or periods, against penalties, and against the interest on the underpayments. The  
13 interest on underpayments and overpayments shall be computed in the manner set forth in  
14 Sections 6.17-1 and 6.15-2, respectively. The amount of the determinations, including  
15 penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the  
16 date of delinquency until the date of payment.

17 (c) The Tax Collector shall serve the person or persons determined to be liable for the  
18 tax as determined under Section 6.11-3 with written notice of the determination and penalty.  
19 The Tax Collector shall serve the notice upon such person(s) personally or by mail. Service  
20 by mail shall be

21 (1) to the last known address as indicated in the Tax Collector's records,  
22 provided there is such an address in the Tax Collector's record, or

23 (2) to an address that the Tax Collector concludes in his discretion is the last  
24 known address of the person(s).  
25

1     **SEC. 6.17-2. PENALTIES FOR UNDERREPORTING OF TAX.**

2           **(a) Penalties for Negligence.** If the Tax Collector determines that all or part of any  
3 tax required to be reported on any return was underreported and that such underreporting  
4 was attributable to negligence, the Tax Collector may impose a penalty in the amount of  
5 5 percent of the amount of the underreported tax, in addition to the tax or amount of tax, if the  
6 negligence is for not more than 1 month, with an additional 5 percent for each month or  
7 fraction of a month during which such negligence continues, up to 20 percent in the  
8 aggregate.

9           **(b) Penalties for Intentional Disregard of Rules, Fraud, or Intent to Evade Tax.**  
10 When it is determined by the Tax Collector that all or part of any tax required to be reported  
11 on any return was underreported and such underreporting was attributable to fraud or an  
12 intent to evade the Business and Tax Regulations Code, the Tax Collector may impose a  
13 penalty in the amount of 50 percent of the amount of the underreported tax. The taxpayer or  
14 other person determined to be liable for penalties pursuant to this Section is entitled to a  
15 notice of deficiency determination or jeopardy determination and to the appeal rights as to  
16 such determinations.

17           **(c) Additional Penalty for Substantial Underreporting.**

18           (1) For purposes of this section, "substantial underreporting of tax" means the  
19 tax finally determined by the Tax Collector under Articles 7, 9, 10, 10B, 11, ~~or 12-A~~, or 12-A-1  
20 of this Business and Tax Regulations Code exceeds the amount of tax reported on a  
21 taxpayer's original or amended return for a taxable period by 25 percent or more, or if no return  
22 is filed, the tax liability determined by the Tax Collector pursuant to Section 6.11-1 exceeds \$5000.

23           (2) If the Tax Collector determines that a taxpayer has made a substantial  
24 underreporting of tax for any taxable period, the Tax Collector may impose an additional  
25 penalty in an amount equal to 50 percent of the tax attributable to the substantially

underreported amount. The penalty for substantial underreporting is in addition to any other penalty imposed under this Article 6.

(3) The additional penalty for substantial underreporting applies to all taxable periods ending on or after June 19, 2010.

**SEC. 6.17-3. NEGLIGENCE PENALTIES FOR FAILURE TO REGISTER, MISSTATEMENTS IN REGISTRATION, FAILURE TO TIMELY UPDATE REGISTRATION, FAILURE TO ALLOW INSPECTION OF RECORDS UPON REQUEST, AND FAILURE TO FILE A RETURN; SANCTION FOR FAILURE TO PRODUCE REQUESTED RECORDS.**

(a) Any person who fails to register, fails to amend a registration within 7 days of a material change or who makes a material misrepresentation in a registration or who fails to comply with a rule or regulation promulgated by the Tax Collector in a timely manner shall pay, in addition to any other liability that may be imposed under the provisions of this Article, a penalty in an amount equal to ~~the penalized taxpayer's annual fee for obtaining a registration certificate as set forth in Article 12~~ the greater of \$100 or the penalty assessed pursuant to Section 6.17-1.

(b) The Tax Collector may impose a penalty upon any person who fails to file a return or returns required under this Article on or before the date prescribed for filing up to the amount of \$500 for each such failure. The penalty under this provision shall be in addition to any other liability that may be imposed under the provisions of this Article. Filing a return that the Tax Collector determines to be incomplete in any material aspect may be deemed failure to file a return in violation of this Section.

(c) Any person who fails to allow a full inspection of records pursuant to a request made by the Tax Collector within the time prescribed by the Tax Collector shall pay, in

1 addition to any other liability that may be imposed under the provisions of this Article, a  
2 penalty in the amount of \$500 for each such failure.

3 (d) Unless the failure to allow inspection was due to reasonable cause and not willful  
4 neglect, any person who fails to provide records pursuant to a written request made by the  
5 Tax Collector may not contest the Tax Collector's decision regarding the amount of such  
6 person's liability for any taxes, administrative collection costs, interest, penalties or other costs  
7 and charges imposed under the Business and Tax Regulations Code, or oppose the collection  
8 of such amount, in any subsequent administrative or judicial proceeding, on the basis of any  
9 record the Tax Collector previously requested in writing that such person failed to make  
10 available to the Tax Collector on or before the earliest to occur of the following:

11 (1) The conclusion of the hearing on a petition for redetermination held pursuant to  
12 Sections 6.12-5 or 6.13-2;

13 (2) The date the jeopardy determination became final under Section 6.12-5 if  
14 such person did not request hearing thereon;

15 (3) The date the deficiency determination became final under Section 6.13-4 if  
16 such person did not request a hearing thereon.

#### 17 18 **SEC. 6.21-1. TRANSFEREE AND SUCCESSOR LIABILITY.**

19 (a) No person shall purchase or acquire an interest in a business subject to any tax  
20 imposed under the Business and Tax Regulations Code without first obtaining either a receipt  
21 from the Tax Collector showing that all of the seller's taxes on the business have been paid,  
22 or a certificate stating that no amount is due. For purposes of this Section, "purchase" shall  
23 include any other voluntary transfer for consideration of a business, except for purchase of  
24 stock of a publicly-traded company.  
25

1 (b) The Tax Collector shall issue such a receipt or certificate, or a notice of the amount  
2 that must be paid as a condition of issuing the certificate, to the buyer within 30 days after  
3 receiving a written request. However, failure of the Tax Collector to timely mail the notice will  
4 not release the buyer from his or her obligations under this Section, except to the extent of  
5 penalties and interest in the event that the Tax Collector enforces the buyer's obligation in a  
6 civil action authorized pursuant to the Business and Tax Regulations Code.

7 (c) If the buyer purchases or acquires an interest in a business owing any taxes,  
8 interest or penalties imposed under Articles 7, 9, ~~or 12-A~~, or 12-A-1, the buyer shall withhold  
9 from the purchase price and pay to the Tax Collector a sufficient amount to satisfy said taxes,  
10 interest and penalties.

11 (d) If the buyer purchases or acquires an interest in a business in violation of this  
12 Section, the buyer shall become personally liable for the amount of taxes, interest and  
13 penalties owed on the business.

14 (e) The buyer's obligations shall accrue at the time the business is purchased or the  
15 interest acquired, or at the time the Tax Collector determines the seller's final liability,  
16 whichever is later.

17 (f) The liability at law or in equity of a successor, transferee or alter ego of any  
18 taxpayer or other person determined to be liable for any tax, interest, cost or penalty subject  
19 to this Article, imposed upon a taxpayer may be determined, collected and paid in the same  
20 manner and subject to the same provisions and limitations as a deficiency determination  
21 pursuant to Sections 6.11-1, 6.11-2, and 6.13-1 *et seq.* Nothing in this subsection shall be  
22 construed to limit the rights or procedures available to the Tax Collector to collect from any  
23 successor, transferee or alter ego, at law or in equity, as may be provided by law.

1 Section 3. The Business and Tax Regulations Code is hereby amended by revising  
2 Article 9, Section 607 to read as follows:

3  
4 **SEC. 607. OPERATOR CERTIFICATION OF REVENUE CONTROL EQUIPMENT, RCE**  
5 **RECORD REVIEW, AND UNACCOUNTED TICKET RATIO.**

6 (a) **Definitions.** The terms used in this Section shall have the meaning given to them  
7 in Section 2201 of this Code.

8 (b) **Operator's RCE Certification.** Concurrent with remittance of Parking Taxes to the  
9 City pursuant to Business and Tax Regulations Code Section 6.7-1, an Operator shall certify  
10 in writing under penalty of perjury that it has utilized RCE that complies with the applicable  
11 provisions of Article 22 of this Code during the period for which the Operator remits the  
12 Parking Taxes. If the Operator remits Parking Taxes to the City on a monthly basis, then the  
13 Operator shall certify that during the immediately preceding month it utilized RCE that  
14 complies with all applicable provisions of this Article. ~~If the Operator prepays estimated Parking~~  
15 ~~Taxes, then the Operator shall certify with its prepayment that it has utilized RCE that complies with all~~  
16 ~~applicable provisions of this Article during the preceding prepayment period.~~

17 (c) **Operator's RCE Records Review Certification.** Concurrent with remittance of  
18 Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, an  
19 Operator shall also certify in writing under penalty of perjury that it has reviewed the RCE  
20 Records, as defined at Section 2201(b) of this Code, as to amounts of gross revenue, Rent  
21 received, Parking Tax collected and remitted, discounts provided, and Unaccounted Ticket  
22 Ratio for each Parking Station that it operated in the period reported. The Operator shall  
23 further certify that it has reconciled those RCE Records with its books and records of accounts  
24 of Rent received and Parking Tickets used, such that the Operator's certifications made under  
25 this Article are informed and correct.

(d) **Operator's Unaccounted Ticket Ratio Certification.** Concurrent with remittance of Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, on a form provided by the Tax Collector, an Operator shall state the Unaccounted Ticket Ratio for the reporting period, and shall certify in writing under penalty of perjury that the stated ratio is accurate. The Unaccounted Ticket Ratio shall be calculated as follows. The number of Unaccounted Tickets for a reporting period is calculated separately for each Parking Station operated by the Operator as the sum of Inventory at the start of the reporting period and the Issued Tickets for that period, less the Voided Tickets for that period, less the Collected Tickets for that period. The Unaccounted Ticket Ratio is calculated as the number of Unaccounted Tickets for a particular Parking Station for that period divided by the number of Issued Tickets for that period, with the resulting quotient multiplied by 100 and expressed as a percentage of Issued Tickets.

Section 4. The Business and Tax Regulations Code is hereby amended by revising Article 12, Sections 859 and 860 to read as follows:

**SEC. 859. BUSINESS ~~TAX~~ REGISTRATION ~~TAG~~ CERTIFICATE REQUIRED ON CERTAIN VEHICLES.**

(a) The Tax Collector shall require persons engaged in the businesses listed in subsection (b) to display prominently upon each vehicle which is registered as a commercial vehicle with the California Department of Motor Vehicles, and which is used by the person in the conduct of his or her business, a ~~registration tag~~ copy of the person's business registration certificate in such form and color and containing such information as the Tax Collector shall determine. An employee's personally owned vehicles are exempt from this requirement. ~~The~~

1 ~~Tax Collector shall charge an annual fee of \$30 for each tag issued to cover the cost of issuing the tag.~~  
2 ~~The registration tag shall be valid for the year of issuance, or 1 year, whichever ends later.~~

3 ~~It is unlawful for any person, required to display a registration tag pursuant to this Section, to~~  
4 ~~use or cause to be used any company vehicle which is registered as a commercial vehicle with the~~  
5 ~~California Department of Motor Vehicles in the conduct of the person's business within the City and~~  
6 ~~County that does not have a business tax registration tag attached thereto or to remove or deface or~~  
7 ~~cover up the registration tag, or to place such registration tag upon any vehicle other than a vehicle~~  
8 ~~used by the person in his or her business, or to use or cause to be used any such vehicle more than 30~~  
9 ~~days after the expiration of the period for which the registration tag was issued. An employee's~~  
10 ~~personally owned vehicles are exempt from this requirement.~~

11 ~~Each person required to display a registration tag on vehicles used in conduct of his or her~~  
12 ~~business shall keep the registration tag(s) issued by the Tax Collector firmly affixed upon each vehicle~~  
13 ~~for which a registration tag was issued at such location upon the vehicle as is designated by the Tax~~  
14 ~~Collector.~~

15 ~~Subsequent to the issuance of any business tax registration certificate and prior to the~~  
16 ~~expiration date, any person seeking to use any company vehicle which is registered as a commercial~~  
17 ~~vehicle with the California Department of Motor Vehicles in his or her business, for which a tag has~~  
18 ~~not been issued, shall procure a tag for such vehicle from the Tax Collector. Upon the payment of a fee~~  
19 ~~for such tag, the Tax Collector shall deliver the tag to the person, which tag shall be securely affixed to~~  
20 ~~the vehicle upon the location designated by the Tax Collector.~~

21 (b) Persons engaged in the following business(es) shall be required to display a  
22 registration tag copy of the person's business registration certificate on company vehicles which are  
23 registered as commercial vehicles with the California Department of Motor Vehicles and which  
24 are used in the conduct of his or her business:  
25



1 Roofing contractor and any other contractor performing work for which a reroofing  
2 permit is required.

3  
4 **SEC. 860. REGISTRATION CERTIFICATE – ~~SUSPENSION AND~~ REVOCATION.**

5 If a person fails to comply with any provision of this Article or any rule or regulation  
6 adopted pursuant thereto, the Tax Collector, after giving such person 15 days notice in writing  
7 specifying the time and place of the hearing and requiring such person to show cause why his  
8 or her registration certificate or registration certificates should not be revoked, may revoke ~~or~~  
9 ~~suspend~~ any one or more of the registration certificates held by such person. The notice shall  
10 be served in the same manner prescribed for the service of a notice of a deficiency  
11 determination under Article 6. The Tax Collector shall not issue a new registration certificate  
12 after the revocation of a registration certificate unless the registrant complies with the  
13 provisions of the Business and Tax Regulations Code and the rules and regulations adopted  
14 thereunder.

15  
16 Section 5. The Business and Tax Regulations Code is hereby amended by revising  
17 Article 12-A, Sections 905-A and 906.3 to read as follows:

18  
19 **SEC. 905-A. SMALL BUSINESS TAX EXEMPTION.**

20 (a) Notwithstanding any other provisions of this Article, a "small business enterprise"  
21 as hereinafter defined, shall be exempt from payment of the payroll expense tax; provided,  
22 however, that a small business enterprise shall pay the annual registration fee pursuant to  
23 Section 855 of Article 12.

24 (b) The term "small business enterprise" shall mean and include any taxpayer:  
25

1 (1) Whose tax liability under this Article, but for this exemption provision, would  
2 not exceed \$2,500 or, effective January 1, 2009 whose taxable payroll expense does not  
3 exceed \$250,000; and

4 (2) Who has filed a tax return by the last date of February for the preceding tax  
5 year. If the taxpayer fails to file a return by that date, the taxpayer shall be subject to a  
6 penalty as specified in subsection (d).

7 (c) For the 2011 tax year, and each second succeeding tax year the Tax Collector  
8 shall increase the ceiling for the small business tax exemption (rounded to the nearest  
9 \$10,000 increment) to reflect increases in the United States Department of Labor's Bureau of  
10 Labor Statistics consumer price index for all urban customers for the San Francisco-Oakland-  
11 San Jose area for each of the preceding two tax years.

12 (d) In lieu of the penalty specified in Section 6.17-3 of Article 6 for failing to file a  
13 return, any person who otherwise qualifies for the small business tax exemption set forth in  
14 this Section who fails to file a return by the last date of February shall pay a penalty as  
15 follows:

16 (1) If the person's payroll expense tax liability under this Article, but for the small  
17 business tax exemption under this Section, would be \$2,250 or more, the penalty shall be  
18 5 percent of the amount of such liability, for each month, or fraction thereof, that the  
19 ~~return~~amount due is delinquent, plus an additional 5 percent each month, or fraction thereof,  
20 that the ~~return~~amount due is delinquent, up to a maximum of 20 percent of the tax liability. Any  
21 penalties remaining unpaid for a period of 90 days or more shall be subject to an additional  
22 penalty of 20 percent of the amount of the tax liability excluding penalties and interest.

23 (2) Penalties are due and payable when assessed. Unpaid penalties,~~interest~~  
24 ~~and fees~~ shall accrue interest at the rate of 1 percent per month, or fraction thereof, from the  
25 date that they are assessed through the date of payment. The total amount of the penalties,

1 interest and fees shall not exceed the amount of the person's payroll expense tax liability for the  
2 period but for the small business tax exemption.

3 (e) The Tax Collector may, in his or her discretion, reduce the penalty set forth in  
4 subsection (d) to not less than \$100 upon a showing that the late filing of the return was due  
5 to reasonable cause and not due to willful neglect.

6  
7 **SEC. 906.3. CENTRAL MARKET STREET AND TENDERLOIN AREA PAYROLL**  
8 **EXPENSE TAX EXCLUSION.**

9 \* \* \* \*

10 (c) In order to be eligible for the payroll expense tax exclusion authorized under this  
11 Section, persons wishing to claim the exclusion must:

12 (1) Complete and submit an initial application to the Office of Economic and  
13 Workforce Development for review and evaluation. The Office of Economic and Workforce  
14 Development will use this application to verify that applicants claiming the payroll expense tax  
15 exclusion under this Section meet the eligibility requirements outlined in this subsection (~~bc~~)-*of*  
16 *this Section*. The Office of Economic and Workforce Development and the Office of the  
17 Treasurer and Tax Collector shall prescribe the form of the application and, consistent with  
18 this ordinance, the rules and regulations regarding eligibility for the Central Market Street and  
19 Tenderloin Area payroll expense tax exclusion, which shall include participation in the City's  
20 First Source Hiring Program as defined in Section 83.4 of the Administrative Code.

21 (2) File an annual affidavit with the Office of Economic and Workforce  
22 Development affirming that they continue to meet the eligibility criteria as determined by the  
23 Office of Economic and Workforce Development. The annual affidavit should detail the total  
24 number of individuals hired during the year, the number of individuals who were referred by  
25 the San Francisco Workforce Development System during the year, and the duration of

1 employment for each individual hired during the year. The affidavit must be filed with the  
2 Office of Economic and Workforce Development on or before ~~January~~December 31 of each  
3 year subsequent to the Office of Economic and Workforce Development's initial approval of  
4 the application.

5 (3) Maintain records and documents in a manner acceptable to the Tax  
6 Collector. Such records and documents must objectively substantiate any exclusion claimed  
7 under this Section and be provided to the Tax Collector upon request.

8 (4) File ~~and~~ timely annual Payroll Expense Tax Return and affidavit with the Tax  
9 Collector regardless of the amount of tax liability, if any, shown on the return after claiming the  
10 exclusion provided for in this Section.

11 (5) Any person whose annual payroll expense exceeds one million dollars  
12 (\$1,000,000) shall enter into a binding Community Benefit Agreement with the City  
13 Administrator in order to be eligible for the payroll expense tax exclusion under this Section.  
14 Such Community Benefit Agreement may include commitments to engage in community  
15 activities in the Central Market Street and Tenderloin Area as well as participation in  
16 workforce development opportunities.

17 \* \* \* \*

18  
19 Section 6. The Business and Tax Regulations Code is hereby amended by revising  
20 Article 22, Section 2219.6 to read as follows:

21  
22 **SEC. 2219.6. COLLECTION AND ENFORCEMENT.**

23 (a) The Revenue Control Equipment Compliance Fee shall be due ~~annually~~ to the Tax  
24 Collector annually on December 31 and shall be remitted by the Operator ~~as a part of the last~~  
25 ~~quarterly parking tax return.~~

(b) The Fee is payable, when due, at the office of the Tax Collector, and if not paid within 30 days after the same becomes due, the Tax Collector shall add 10 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not paid within 60 days after the same becomes due, the Tax Collector shall add 15 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not paid within 90 days after same becomes due, the Tax Collector shall add 25 percent to the amount of the Fee, as a penalty for nonpayment; provided, however, when an Operator has failed for a period of six months or more to pay the ~~ff~~Fee, and has allowed the ~~ff~~Fee to become delinquent for this or a longer period, the Tax Collector shall, in such instance, impose a penalty of 25 percent on the total amount of the Fee delinquent and refer the Operator to the Bureau of Delinquent Revenue for further collection and enforcement.

#### Section 7. Effective and Operative Date.

(a) Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) Operative Dates. This ordinance shall become operative on its effective date, except for those provisions of Sections 6.9-1, 6.9-3, and 905-A, that are (1) amendments contained in Proposition E (November 6, 2012) or (2) additional amendments shown in this ordinance. Both categories of amendments to those sections shall become operative on January 1, 2014.

#### Section 8. Severability of Ordinance Provisions; Construction of Ordinance.

1 (a) If any section, sentence, clause, phrase, or portion of this ordinance is for any  
2 reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining  
3 sections, sentences, clauses, phrases, or portions of this ordinance shall nonetheless remain  
4 in full force and effect. The Board of Supervisors of the City and County of San Francisco  
5 hereby declares that it would have adopted each section, sentence, clause, phrase, or portion  
6 of this ordinance, irrespective of the fact that any one or more sections, sentences, clauses,  
7 phrases, or portions of this ordinance be declared invalid or unenforceable and, to that end,  
8 the provisions of this ordinance are severable.

9 (b) No section, clause, part or provision of this ordinance shall be construed as  
10 requiring the payment of any tax that would be in violation of the Constitution or laws of the  
11 United States or of the Constitution or laws of the State of California.

12  
13 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the "Note" that appears under  
18 the official title of the ordinance. In accordance with Section 1 of this ordinance, it is the  
19 Board's intent to amend the text of Section 6.9-1, 6.9-3, and 905-A.

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 JEAN H. ALEXANDER  
25 Deputy City Attorney

n:\tax\as2013\1300523\00863032.doc



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

DRAFT Meeting Minutes



Monday, August 26, 2013

4:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

GOVERNMENT DOCUMENTS DEPT

OCT 25 2013

SAN FRANCISCO  
PUBLIC LIBRARY

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

1. Roll call for the August 26, 2013 Legislation & Policy Committee meeting.

The meeting was called to order at 4:40 PM. Commissioners Adams, Ortiz-Cartagena, and Yee Riley were present.

2. Approval of minutes from the May 20, 2013 meeting. Explanatory Documents: Draft minutes from the May 20, 2013 meeting. (Action Item)

Motion: Commissioner Adams motioned to adopt as drafted the meeting minutes of May 20, 2013.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

3. Approval of minutes from the June 24, 2013 meeting. Explanatory Documents: Draft minutes from the June 24, 2013 meeting. (Action Item)

Motion: Commissioner Yee Riley motioned to adopt as drafted the meeting minutes of June 24, 2013.

2<sup>nd</sup>: Adams

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

4. Approval to correct approved meeting minutes for the dates: June 25, 2012; July 23, 2012; January 28, 2013; March 25, 2013; and April 22, 2013. Change title from "Draft Meeting Minutes" to "Meeting Minutes." Explanatory Documents: Corrected Minutes. (Action Item)

Motion: Commissioner Ortiz-Cartagena motioned to approve correction of the meeting minutes from June 25, 2012; July 23, 2012; January 28, 2013; March 25, 2013; and April 22, 2013.

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, #110

SAN FRANCISCO, CA 94102

415.554.6134

415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

LUKE O'BRIEN

WILLIAM ORTIZ-CARTAGENA

MONETTA WHITE

IRENE YEE RILEY

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

5. Approval to correct posting of the meeting minutes for the date of September 24, 2012. The September 24, 2012 agenda is posted in place of the approved minutes. (Action Item)

Director Dick-Endrizzi displayed the Office of Small Business website to show commissioners the erroneous posting. Commissioner Yee Riley requested confirmation that there were no changes requested in the minutes, but only that the correct file containing the minutes would be posted to replace the erroneous posting of the agenda in their place. Director Dick-Endrizzi confirmed Commissioner Yee Riley's correct understanding of the matter.

Motion: Commissioner Yee Riley motioned to approve correction of the erroneous posting of the meeting agenda in place of the meeting minutes for the meeting of September 24, 2012.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

6. Approval to correct the date of October 22, 2012 meeting minutes. Approved minutes incorrectly show meeting date as "November 26, 2012," and should reflect correct meeting date of "October 22, 2012." Explanatory Documents: Corrected Minutes. (Action Item)

Commissioner Yee Riley requested confirmation that the content of the minutes currently posted was correct and that no changes were requested, other than the date correction. Director Dick-Endrizzi confirmed Commissioner Yee Riley's correct understanding of the matter.

Motion: Commissioner Yee Riley motioned to approve correction of the meeting minutes for the meeting of October 22, 2012.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

7. General Public Comment.

General Public Comment was called for and no members of the public appeared to speak.

8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130789 [[Health Code - Licensing and Regulation of Massage Establishments and Practitioners] Ordinance amending the Health Code to require massage practitioners licensed by San Francisco to wear photo identification cards when working; deny Massage Establishment permits to applicants convicted of specified crimes; to provide an appeal process for persons denied a Massage Establishment

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

permit; to establish health and safety requirements for all Massage Establishments; to establish penalties for violations of Article 29 governing Massage Practitioners and Massage Establishments; to require notice of violations be sent to the owner(s) of property where Massage Establishments are located; and making environmental findings. Explanatory Documents: BOS File No. 130789. (Discussion and Possible Action Item)

Supervisor Tang's Legislative Aide was unavailable to present at the meeting due to the Board of Supervisor's recess. Director Dick-Endrizzzi provided the commissioners an overview of the proposed ordinance, and confirming that this legislation is a supplement to, not an amendment or replacement of, legislation the Commission heard on June 10, 2013.

Commissioners considered various unintended consequences of the proposed ordinance for small businesses. Commissioner Ortiz-Cartagena was concerned that a single violation, potentially by a rogue employee or contractor, could shut down an otherwise legitimate "mom and pop" massage establishment operator due to the substantial \$5,000 fee associated with certain first-time violations.

Motion: Commissioner Adams motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

9. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130784 [Business and Tax Regulations Code – Miscellaneous Changes] Ordinance amending the Business and Tax Regulations Code by, among other things: 1) amending the Common Administrative Provisions to require monthly installment payments rather than prepayments of hotel and parking taxes, eliminate the requirement for annual parking tax bond renewal, provide a due date for business registration fees, exclude penalties from the calculation of interest on tax determinations, add a substantial underreporting penalty for failure to file a return when the tax liability exceeds \$5,000, and change the penalty for failure to register or update a registration, making misstatements in registration, failure to allow inspection of or to produce records, and failure to file a return; 2) amending the Tax on Occupancy of Parking Space in Parking Stations to eliminate the pre-payment Revenue Control Equipment certification; 3) amending Business Registration provisions to require a copy of the business registration certificate rather than a business tax registration tag be displayed on company vehicles, and to eliminate the Tax Collector's authority to suspend a business registration certificate; 4) amending the Payroll Expense Tax Ordinance to provide that interest applies to unpaid penalties but not unpaid fees and interest, and to change the date that the Office of Economic and Workforce Development must provide the Tax Collector a list of persons eligible to claim the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion; and 5) amending Parking Stations, Revenue Control Equipment to specify the date the Revenue Control Equipment Compliance Fee is due. Explanatory Documents: BOS File No. 130784. (Discussion and Possible Action Item)

Supervisor Chiu's Legislative Aide was unavailable to present at the meeting due to the Board of Supervisor's recess. Director Dick-Endrizzzi provided the commissioners an overview of the proposed ordinance.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZZI, EXECUTIVE DIRECTOR

Commissioners were generally supportive of the ordinance and saw it mostly as a simplification of existing procedures. Commissioner Ortiz-Cartagena inquired as to the reason why hotels can file online for payment of Transient Occupancy Tax, but that to his knowledge, parking lot operators were unable to do the same for Tax on Occupancy of Parking Space. Commissioner Ortiz-Cartagena also expressed concern about the enforcement mechanism used by the Office of Treasurer and Tax Collector when investigating cases of potential tax invasion. He commented that small parking lot operators are forced to shut down during conduct of the investigation.

Motion: Commissioner Adams motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

10. Staff report and review of SBC/OSB projects and programs assigned to the Committee. (Discussion Item)

Director Dick-Enrizzi presented a staff report. She noted this report has been reformatted to align with the Strategic Plan adopted at the Commission's February 28 meeting (retreat). Director Dick-Enrizzi explained OSB efforts related to recent closures of bottle and can redemption/recycling centers (CRV). Other items of note included ADA/Seismic Upgrade historic preservation guidelines; Invest in Neighborhoods (IIN) ADA assessment program update; Mobile Retail and Service (MRS) program update; and Affordable Care Act (ACA)/Health Care Security Ordinance (HCSO) coordination efforts. NC@20, Clerk of the Board legislation referral, and vacancy legislation will be discussed at a future meeting.

11. Staff report on policy matters before the Small Business Commission. (Discussion Item)

Director Dick-Enrizzi presented a staff report.

12. Staff update and discussion on legislation recently introduced at the Board of Supervisors. (Discussion Item)

Director Dick-Enrizzi provided a staff update, and distributed several legislative items to the commissioners for their review.

13. Commissioner Reports (Discussion Item)

No reports.

14. New Business – allows committee members to introduce new agenda items for future consideration by the committee.

No new business.

15. Adjournment

The meeting was adjourned at 5:46 PM.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



Monday, September 23, 2013

3:30 P.M

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102



COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

**NOTICE OF MEETING CANCELLATION**

The September 23, 2013, meeting of the Legislation and Policy Committee is hereby cancelled.

GOVERNMENT  
DOCUMENTS DEPT

SEP 18 2013

SAN FRANCISCO  
PUBLIC LIBRARY

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 PHONE  
415.558.7844 FAX

SMALL BUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



SMALL BUSINESS COMMISSION

Legislation & Policy Committee

Notice of Meeting Agenda



Monday, October 28, 2013

3:30 P.M

CITY HALL, ROOM 421



*Meeting will begin following the Small Business Commission meeting at 2:00 PM in Room 400*

1 Dr. Carlton B. Goodlett Place, San Francisco Ca 94102

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

SF  
552-6  
#1  
10/28/13

1. Call to order and roll call.
2. Approval of minutes from the August 26, 2013 meeting. (Action Item)  
Explanatory Documents: Draft minutes from the August 26, 2013 meeting.
3. General Public Comment. (Discussion Item)
4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130998 [Planning Code - Cottage Food Operation Controls]: Ordinance amending the Planning Code, by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operation as an accessory use for dwelling units and increase the allowable area for accessory uses in dwelling units; and making eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 130998; BOS File No. 130998 Legislative Digest.

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130862 [Planning Code - Supportive Housing for Homeless Veterans]: Ordinance amending the Planning Code to allow an existing Tourist Hotel to rent rooms to homeless veterans for a period of time without abandoning the Tourist Hotel use classification; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 130862; BOS File No. 130862 Legislative Digest.

6. Commissioner Reports. (Discussion Item)
7. New Business – allows committee members to introduce new agenda items for future consideration by the committee. (Discussion Item)
8. Adjournment. (Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

GOVERNMENT  
DOCUMENTS DEPT

OCT 25 2013

SAN FRANCISCO  
PUBLIC LIBRARY

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call the Office of Small Business at (415) 554-6134 to make arrangements for pick up or review.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

SMALLBUSINESS COMMISSIONERS

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sof@sfgov.org](mailto:sof@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.

### **SMALL BUSINESS COMMISSION**

1 DR. CARLTON B. GOODLETT PLACE, #110  
SAN FRANCISCO, CA 94102  
415.554.6134  
415.558.7844

### **SMALL BUSINESS COMMISSIONERS**

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
MONETTA WHITE  
IRENE YEE RILEY  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR





[Planning Code - Cottage Food Operation Controls]

Ordinance amending the Planning Code, by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operation as an accessory use for dwelling units and increase the allowable area for accessory uses in dwelling units; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~strikethrough Arial font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) General Plan and Planning Code Findings.

(1) (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

(2) Pursuant to Planning Code Section 302, the Board finds that the proposed ordinance will serve the public necessity, convenience and welfare for the reasons

1 set forth in Planning Commission Resolution No. \_\_\_\_\_, which reasons are  
2 incorporated herein by reference as though fully set forth.

3 (b) Environmental Findings. The Planning Department has determined that the  
4 actions contemplated in this ordinance comply with the California Environmental Quality Act  
5 (California Public Resources Code Section 21000 et seq.). Said determination is on file with  
6 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is hereby adopted by  
7 this Board and incorporated herein by reference.

8 (c) General Findings.

9 (1) The City wishes to support the growing movement in California for  
10 community-based food production connecting food to local communities, small businesses,  
11 and environmental sustainability, which has been referred to as "cottage food," "artisan food,"  
12 "slow food" or "locally-based food."

13 (2) Increased opportunities for entrepreneur development through  
14 microenterprises can help to supplement household incomes, prevent poverty and hunger,  
15 and strengthen local economies.

16 (3) Small businesses played an important role in helping slow economies  
17 recover and prosper as an engine of job creation. During the 1990s, small businesses  
18 created the majority of new jobs, and now account for 65 percent of the United States  
19 employment.

20 (4) San Francisco is a leader in the local food movement passing its urban  
21 agriculture reforms in 2011 to respond to the increased demand to produce and procure  
22 locally produced agricultural products.

23 (5) The State of California recently passed Assembly Bill 1616, which  
24 established regulations for cottage food operations and required cities and counties to permit  
25 cottage food operations in residential dwellings.

1 (6) Accordingly, this Board seeks to amend the Planning Code to permit  
2 cottage food operations as a permitted accessory use to dwelling units.  
3

4 Section 2. The Planning Code is hereby amended by adding Section 102.37 and  
5 amending Section 204.1, to read as follows:

6 **SEC. 102.37. COTTAGE FOOD OPERATION**

7 An Accessory Use to a dwelling unit as defined in Section 113758 of the California Health and  
8 Safety Code.

9  
10 **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ~~R-OR-NC~~ ALL DISTRICTS.**

11 No use shall be permitted as an accessory use to a dwelling unit in any ~~R-OR-NC~~ District  
12 ~~which~~ that involves or requires any of the following:

13 (a) Any construction features or alterations not residential in character;

14 (b) The use of more than ~~4~~ 1/3 of the total floor area of the dwelling unit, except in  
15 the case of accessory off-street parking and loading or Neighborhood Agriculture as defined  
16 by Section 102.35;

17 (c) The employment of any person not a resident in the dwelling unit, ~~other than~~ with  
18 the following exceptions:

19 \_\_\_\_\_ (1) \_\_\_\_\_ a domestic servant, gardener, janitor or other person concerned in the  
20 operation or maintenance of the dwelling unit; or

21 \_\_\_\_\_ (2) for a Cottage Food Operation, in addition to the foregoing exceptions, the  
22 employment of one employee who is not a family member or resident of the dwelling unit.

23 (d) Residential occupancy by persons other than those specified in the definition of  
24 family in this Code;  
25

1 (e) In RH-1(D), RH-1 and RH-1(S) Districts, the provision of any room for a roomer  
2 or boarder with access other than from within the dwelling unit;

3 (f) Addition of a building manager's unit, unless such unit meets all the normal  
4 requirements of this Code for dwelling units;

5 (g) The maintenance of a stock in trade other than garden produce related to  
6 Neighborhood Agriculture as defined by Section 102.35 or materials and products related to a  
7 Cottage Food Operation; or

8 (h) —or the The use of show windows or window displays or advertising to attract  
9 customers or clients; or

10 ~~(h)(i)~~ The conduct of a business office open to the public other than for sales related  
11 to garden produce of Neighborhood Agriculture as defined by Section 102.35 or to the finished  
12 products of a Cottage Food Operation; or

13 ~~(h)(i)~~ A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of  
14 this Code.

15 Provided, however, that Subsection ~~(h)(i)~~ of this Section shall not exclude the  
16 maintenance within a dwelling unit of the office of a professional person who resides therein, if  
17 accessible only from within the dwelling unit; and provided, further, that Subsection ~~(g)(h)~~ shall  
18 not exclude the display of signs permitted by Article 6 of this Code.

19  
20 Section 3. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

7  
8 Section 5. Undertaking for the General Welfare. In enacting and implementing this  
9 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
10 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
11 would be liable in money damages to any person who claims that such breach proximately  
12 caused injury.

13 Section 6. No Conflict with State or Federal Law. Nothing in this ordinance shall be  
14 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
15 State or federal law.

16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By: \_\_\_\_\_  
20 MARLENA G. BYRNE  
21 Deputy City Attorney

22  
23  
24  
25  
n:\land\as2013\1400176\00877456.docx



## LEGISLATIVE DIGEST

### [Planning Code - Cottage Food Operation Controls]

Ordinance amending the Planning Code, by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operation as an accessory use for dwelling units and increase the allowable area for accessory uses in dwelling units; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

### Existing Law

The Planning Code does not currently provide for community-based food production (also referred to as "cottage food," "artisan food," "slow food," or "locally-based food") to operate as an accessory use in dwellings.

### Amendments to Current Law

The proposed legislation would amend the Planning Code to add a definition of "Cottage Food Operation", which definition references the California Health Code, and allow cottage food operations to operate as an accessory use in dwelling units under Section 204.1.

### Background Information

The State recently passed Assembly Bill 1616, which established regulations for cottage food operations and required cities and counties to permit cottage food operations in dwellings.





[Planning Code - Supportive Housing for Homeless Veterans]

**Ordinance amending the Planning Code to allow an existing Tourist Hotel to rent rooms to homeless veterans for a period of time without abandoning the Tourist Hotel use classification; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

NOTE: Additions are single-underline italics Times New Roman; deletions are ~~strike-through italics Times New Roman~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_ and the Board hereby incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

(c) This Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board hereby incorporates those reasons herein by reference.

1  
2 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
3 205, to read as follows:

4 **SEC. 205. TEMPORARY USES, GENERAL.**

5 (a) The temporary uses listed in Sections 205.1 through 205.5 ~~205.4~~, where not  
6 otherwise permitted in the district, may be authorized as provided herein, up to the time limits  
7 indicated. Further time for such uses may be authorized only by action upon a new  
8 application, subject to all the requirements for the original application, unless otherwise  
9 indicated in Sections 205.1 through 205.5 ~~205.4~~.

10 (b) Action upon such uses may be authorized by the Zoning Administrator without a  
11 public hearing.

12 (c) Wherever a use exists at the effective date of this Code or of an amendment thereto  
13 under which such use is classified as a temporary use, or wherever a use is being conducted  
14 under a temporary use authorization given prior to such a date, such use may be continued  
15 for the maximum term specified therefore, calculated from said effective date or date of  
16 authorization. No such use shall continue thereafter unless a temporary use authorization  
17 shall have been sought and obtained under a new application. Continuance of a temporary  
18 use beyond the date of expiration of the period authorized therefore, or failure to remove a  
19 structure for such temporary use within 10 days thereafter, shall constitute a violation of this  
20 Code.

21 (d) The time periods referenced in Sections 205.1 through 205.3 are consecutive hours  
22 or consecutive calendar days; they are not the total number of hours or days that the use is in  
23 operation. Therefore, a 24-hour authorization that begins at 6:00 a.m. expires at 6:00 a.m. the  
24 following day, even if the use was in operation only eight hours of that period. Similarly, a 60-  
25 day authorization expires after 60 calendar days even though the use may only have been

1 open for business three days per week during that period. Hours or days of unused  
2 authorization cannot be stored or credited.

3 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
4 205.5, to read as follows:

5 **SEC. 205.5. TEMPORARY USES: SUPPORTIVE HOUSING FOR HOMELESS VETERANS.**

6 **(a) Findings.**

7 (1) The Federal Government has a supportive housing program for homeless veterans  
8 known as the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program. The HUD-VASH  
9 program combines rental assistance in the form of a voucher together with case management and  
10 clinical services provided by the Department of Veterans Affairs (VA). After determining which areas of  
11 the country have the highest number of homeless veterans, the VA Central Office identifies VA facilities  
12 in the corresponding communities and allocates the available rental vouchers throughout the country.  
13 Since 2008, a total of 48,385 rental vouchers under the HUD-VASH program have been awarded  
14 nationwide. San Francisco has been awarded a number of HUD-VASH rental vouchers in the past.

15 (2) While it is a federal priority to find housing for veterans and San Francisco would  
16 like to be awarded more HUD-VASH rental vouchers in the future, it is difficult to find supportive  
17 housing for veterans because of San Francisco's tight rental market. Therefore, San Francisco desires  
18 to encourage and facilitate the use of rooms in existing Tourist Hotels for the HUD-VASH program.

19 (3) Pursuant to Section 178 of this Code, once a permitted conditional use has been  
20 changed to a principal use permitted in the district in which the property is located, the conditional use  
21 has been discontinued for a period of three years, or the conditional use is otherwise abandoned, the  
22 property may not thereafter be returned to its former permitted conditional use status except upon  
23 approval of a new conditional use application. Pursuant to Section 183, once a nonconforming use has  
24 been changed to a conforming use, is discontinued for a period of three years, or is otherwise  
25 considered abandoned, the nonconforming use may not be reestablished. This Section 205.5 authorizes

1 the use of an existing Tourist Hotel for supportive housing under the HUD-VASH program without the  
2 potential loss of the Tourist Hotel use designation or conditional use authorization.

3 (b) Temporary Supportive Housing Use. Pursuant to the provisions of Section 205 of this Code  
4 and notwithstanding the provisions of Section 178, Section 183, or any other provision of this Code,  
5 some or all of the rooms in a Tourist Hotel, as defined in Section 790.46, may be occupied by veterans  
6 participating in the HUD-VASH program without the Tourist Hotel use being considered to have been  
7 changed, discontinued, or abandoned. The Zoning Administrator is authorized to approve this use for  
8 an initial period of up to ten years and to extend the initial period for subsequent 10-year periods for  
9 the purpose of the Tourist Hotel's participation in the HUD-VASH program or a similar supportive  
10 housing program for homeless veterans.

11 Section 3. Effective Date. This ordinance shall become effective 30 days from the  
12 date of passage.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By: \_\_\_\_\_  
17 JUDITH A. BOYAJIAN  
18 Deputy City Attorney

19  
20  
21  
22  
23  
24  
25  
n:\legan\as2013\1300258\00849340.doc

## LEGISLATIVE DIGEST

[Planning Code - Supportive Housing for Homeless Veterans]

**Ordinance amending the Planning Code to allow an existing Tourist Hotel to rent rooms to homeless veterans for a period of time without abandoning the Tourist Hotel use classification; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Among other things, Article 2 of the Planning Code sets forth the uses permitted by the Code for the various classes of use districts in the City and County of San Francisco. Section 205 et seq. authorizes the Zoning Administrator to authorize certain uses for a specified temporary period of time without a public hearing.

### Amendments to Current Law

Section 205.5 is proposed to be added to the Planning Code, which will allow the owner of an existing Tourist Hotel, as defined in Section 790.46 of the Code, to rent some of all of the rooms in the hotel to homeless veterans participating in the HUD-Veterans Affairs Supportive Housing program. The Zoning Administrator may authorize this temporary use for up to ten years and extend the initial period for subsequent terms.

### Background Information

The Federal Government has a supportive housing program for homeless veterans known as the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program. The HUD-VASH program combines rental assistance in the form of a voucher together with case management and clinical services provided by the Department of Veterans Affairs (VA). After determining which areas of the country have the highest number of homeless veterans, the VA Central Office identifies VA facilities in the corresponding communities and allocates the available rental vouchers throughout the country. Since 2008, a total of 48,385 rental vouchers under the HUD-VASH program have been awarded nationwide. San Francisco has been awarded a number of HUD-VASH rental vouchers in the past.

While it is a federal priority to find housing for veterans and San Francisco would like to be awarded more HUD-VASH rental vouchers in the future, it is difficult to find supportive housing for veterans because of San Francisco's tight rental market. This legislation will encourage and facilitate the use of rooms in existing Tourist Hotels for the HUD-VASH program by allowing the hotel owner to rent rooms to homeless vets who are participating in the program without the potential loss of the Tourist Hotel use designation or authorization.

n:\leganalas2013\1300258\00871217.doc





SMALL BUSINESS COMMISSION  
Legislation & Policy Committee  
DRAFT Meeting Minutes



Monday, October 28, 2013  
3:30 P.M

CITY HALL, ROOM 421

*Meeting immediately followed the Small Business Commission meeting at 2:00 PM in Room 400*

1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102

GOVERNMENT  
DOCUMENTS DEPT

NOV 14 2013

SAN FRANCISCO  
PUBLIC LIBRARY

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, William Ortiz-Cartagena

1. Call to order and roll call.

The meeting was called to order at 4:19 PM. Commissioners Adams, Ortiz-Cartagena, and Yee Riley were present.

2. Approval of minutes from the August 26, 2013 meeting. (Action Item)

Explanatory Documents: Draft minutes from the August 26, 2013 meeting.

Motion: Commissioner Adams motioned to adopt as drafted the meeting minutes.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

3. General Public Comment. (Discussion Item)

General Public Comment was called for and no members of the public requested to speak.

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130998 [Planning Code - Cottage Food Operation Controls]: Ordinance amending the Planning Code, by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operation as an accessory use for dwelling units and increase the allowable area for accessory uses in dwelling units; and making eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 130998; BOS File No. 130998 Legislative Digest.

Director Dick-Endrizzi provided the committee an overview of the legislation. She clarified this legislation is distinct from earlier legislation related to cottage food that the committee heard. The earlier legislation was related to Health Code amendments, while the present legislation is related to Planning Code changes, though both are intended to bring local regulations into conformance with recent changes to state law governing cottage food operations. Director Dick-Endrizzi explained the applicable Department of Public Health application fees and Planning Department zoning referral fee.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 (PHONE)  
415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



Commissioner Ortiz-Cartagena inquired whether a Cottage Food Operation (CFO) may be a way to work-around medical cannabis dispensary regulations if a CFO permittee were to produce baked goods containing cannabis (a.k.a. “edibles”). Staff offered to research an answer to this question.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Yee Riley motioned to recommend approval of this item to the Small Business Commission, with a request that the legislative sponsor insert a provision in the legislation that would prevent any department from imposing a zoning referral fee on Cottage Food Operation applicants.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 130862 [Planning Code - Supportive Housing for Homeless Veterans]; Ordinance amending the Planning Code to allow an existing Tourist Hotel to rent rooms to homeless veterans for a period of time without abandoning the Tourist Hotel use classification; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 130862; BOS File No. 130862 Legislative Digest.

Director Dick-Endrizzi provided the committee an overview of the legislation.

Commissioner Ortiz-Cartagena inquired about protections for veterans should a participating tourist hotel later decide to sell its property or revert to renting to tourists only. Director Dick-Endrizzi indicated she will bring this point to the legislative sponsor to be addressed.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

6. Overview of recently introduced legislation. (Discussion Item)

Director Dick-Endrizzi discussed legislation affecting alcohol regulations, Family Friendly Workplace Ordinance, and business tax regulations.

7. Update, review and discussion of SBC/OSB projects and programs assigned to the Committee. (Discussion Item)

Explanatory Documents: Legislation and Policy Committee list of projects, programs and priorities.

Director Dick-Endrizzi provided an update on various OSB activities.

8. Commissioner Reports. (Discussion Item)

No reports.

9. New Business – allows committee members to introduce new agenda items for future consideration by the committee. (Discussion Item)

No new business.

10. Adjournment. (Action Item)

The meeting was adjourned at 5:07 PM.



SMALL BUSINESS COMMISSION

Legislation and Policy Committee

Notice of Meeting & Agenda

11-15-13P03:00: 8248



Monday, November 18, 2013

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Meeting will begin following the Small Business Commission meeting at 2:00 PM in Room 416

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

GOVERNMENT  
DOCUMENTS DEPT

NOV 15 2013

SAN FRANCISCO  
PUBLIC LIBRARY

1. **Call to order and roll call.**
2. **Approval of minutes from the October 28, 2013 meeting.** (Action Item)  
Explanatory Documents: Draft minutes from the October 28, 2013 meeting
3. **General Public Comment.** (Discussion Item)
4. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131023 [Planning Code - Establishing the Excelsior Outer Mission Street Neighborhood Commercial District]:** Ordinance amending the Planning Code to establish the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repealing the Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD; amending various sections to make conforming and other technical changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. THIS LEGISLATION WAS SUBSTITUTED ON 11/5/2013. (Discussion and Possible Action Item)  
Explanatory Documents: BOS File No. 131023; BOS File No. 131023 Legislative Digest
5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131059 [Planning Code - Allowing Certain Non-Conforming Structures to be Rebuilt Under Certain Conditions]:** Ordinance amending the Planning Code to allow non-conforming secondary structures in a C-3-R (Downtown Retail) Zoning District to be demolished and rebuilt to the prior non-conforming size under certain conditions; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)  
Explanatory Documents: BOS File No. 131059
6. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131062 [Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]:** Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots or parking garages. (Discussion and Possible Action Item)  
Explanatory Documents: BOS File No. 131062; BOS File No. 131062 Legislative Digest

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, ROOM 110

SAN FRANCISCO, CA 94102

415.554.6134 (PHONE)

415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

LUKE O'BRIEN

WILLIAM ORTIZ-CARTAGENA

IRENE YEE RILEY

MONETTA WHITE

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

7. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131064 [Planning Code - Definition of Bona Fide Eating Place]:** Ordinance amending the Planning Code to expand the definition of "bona fide eating place" to include a definition based on food sales per occupant; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131064

8. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131065 [Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Recreation Programs]:** Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code, by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and grants for active recreation and improving food access and nutrition, and San Francisco Unified School District physical education, after school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131065; BOS File No. 131065 Legislative Digest

9. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131068 [Interim Zoning Controls - Residential Uses in Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets]:** Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use; and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. THIS LEGISLATION WAS SUBSTITUTED ON 11/5/2013. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131068

10. **Review and discussion of SBC/OSB projects and assignments to the Committee.** (Discussion Item)
11. **Commissioner Reports.** (Discussion Item)
12. **New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion and Possible Action Item)
13. **Adjournment.** (Action Item)

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call the Office of Small Business at (415) 554-6134 to make arrangements for pick up or review.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



## LEGISLATIVE DIGEST

[Planning Code - Establish Outer Mission Street Neighborhood Commercial District]

**Ordinance amending the Planning Code to establish the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repealing the Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD; amending various sections to make conforming and other technical changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Article 7 of the Planning Code establishes a number of named districts in various San Francisco neighborhoods that have special controls.

### Amendments to Current Law

The Planning Code is amended to add the new Excelsior Outer Mission Street Neighborhood Commercial District (NCD). The Excelsior Alcohol Restricted Use District is repealed and its controls on liquor establishments are included in the NCD. Conforming changes have been made to various other Code sections.

New Liquor Store uses with Type 20 or Type 21 ABC licenses are not permitted in the new NCD, however any use within the NCD with an existing Type 20 or Type 21 ABC license may obtain a new license, if required by the ABC, after it has been closed temporarily for repair, renovation, remodeling, or reconstruction. A Medical Cannabis Dispensary (MCD) seeking to relocate within 1,000 feet of another MCD may be allowed as a conditional use but any future amendments or regulations applicable to MCDs Citywide shall apply and will supersede the conditional use requirement. An MCD may be located above the ground floor only if it is accessible to persons with disabilities.

### Background Information

The area included within the Excelsior Outer Mission Street NCD is mixed use, combining street-fronting retail businesses on the ground floor and housing on upper floors. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The area is transit-oriented and the commercial uses serve residents of the area as well as residents and visitors from adjacent and other neighborhoods. The purpose of this legislation is to establish specific controls tailored to the needs of the area.





[Planning Code - Establishing the Excelsior Outer Mission Street Neighborhood Commercial District]

Ordinance amending the Planning Code to establish the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repealing the Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD; amending various sections to make conforming and other technical changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in single-underline italics Times New Roman font. **Deletions to Codes** are in ~~striketrough italics Times New Roman font~~. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~striketrough Arial font~~. **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130084 and is incorporated herein by reference.

(b) On April 18, 2013, the Planning Commission, in Resolution No. 18846, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 130084, and is incorporated herein by reference.



1 (c) This Board finds that these Planning Code amendments are consistent with the  
2 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set  
3 forth in Planning Commission Resolution No. 18846, and the Board hereby incorporates such  
4 reasons herein by reference.

5  
6 Section 2. The Planning Code is hereby amended by adding Section 745.1, to read as  
7 follows:

8 **SEC. 745.1. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**  
9 **DISTRICT.**

10 The Excelsior Outer Mission Street Neighborhood Commercial District is located along  
11 Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line. Outer  
12 Mission Street is mixed use, combining street-fronting retail businesses on the ground floor and  
13 housing on upper floors. The range of comparison goods and services offered is varied and often  
14 includes specialty retail stores, restaurants, and neighborhood-serving offices. The area is transit-  
15 oriented and the commercial uses serve residents of the area as well as residents and visitors from  
16 adjacent and other neighborhoods.

17 The Excelsior Outer Mission Street Neighborhood Commercial District is intended to provide  
18 convenience goods and services to the surrounding neighborhoods as well as limited comparison  
19 shopping goods for a wider market. Housing development in new buildings is encouraged above the  
20 second story. Existing residential units are protected by limitations on demolitions and upper-story  
21 conversions. Parking for residential and commercial uses is not required. Buildings range in height,  
22 with height limits generally allowing up to four stories. Lots vary in size, generally small- or medium-  
23 sized with some very large parcels.

SEC. 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL

DISTRICT ZONING CONTROL TABLE

<i>Excelsior Outer Mission Street</i>			
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>			
<u>745.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271</u>	<u>Generally 40-X; see Zoning Map. Height Sculpting on Alleys; § 261.1 Additional 5 feet in height allowed for Ground Floor Active Uses in 40-X and 50-X height districts; § 263.20</u>
<u>745.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. &amp; above</u>
<u>745.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above: § 134(a)(1)(C)</u>
<u>745.13a</u>	<u>Street Frontage</u>	<u>§ 145.1</u>	<u>Required</u>
<u>745.13b</u>	<u>Street Frontage, Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Required</u>
<u>745.14</u>	<u>Awning</u>	<u>§ 136.1(a)</u>	<u>P</u>
<u>745.15</u>	<u>Canopy</u>	<u>§ 136.1(b)</u>	<u>P</u>
<u>745.16</u>	<u>Marquee</u>	<u>§ 136.1(c)</u>	<u>P</u>
<u>745.17</u>	<u>Streetscape and Pedestrian Improvements</u>	<u>§ 138.1</u>	<u>Required</u>

**COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES**

<u>745.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.6 to 1 § 124 (a) (b)</u>
<u>745.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130, § 121.2</u>	<u>P up to 5,999 sq. ft.; C 6,000 sq. ft. &amp; above</u>
<u>745.22</u>	<u>Off-Street Parking,</u> <u>Commercial/Institutional</u>	<u>§§ 145.1, 150, 151.1,</u> <u>153 - 157, 159 - 160,</u> <u>204.5</u>	<u>None required. Limits set forth</u> <u>in Section 151.1.</u>
<u>745.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153 - 155,</u> <u>204.5, 152, 161(b)</u>	<u>Generally, none required if</u> <u>gross floor area is less than</u> <u>10,000 sq. ft</u>
<u>745.24</u>	<u>Outdoor Activity Area</u>	<u>§§ 790.70, 145.2(a)</u>	<u>P if located in front; C if located</u> <u>elsewhere</u>
<u>745.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	
<u>745.26</u>	<u>Walk-Up Facility</u>	<u>§§ 790.140, 145.2(b)</u>	<u>P if recessed 3 ft.; C if not</u> <u>recessed</u>
<u>745.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m. - 2 a.m.</u> <u>C 2 a.m. - 6 a.m.</u>
<u>745.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602 - 604,</u> <u>608, 609</u>	
<u>745.31</u>	<u>Business Sign</u>	<u>§§ 262, 602 - 604,</u> <u>607.1(f)3, 608, 609</u>	<u>P</u>
<u>745.32</u>	<u>Other Signs</u>	<u>§§ 262, 602 - 604,</u> <u>607.1(c) (d) (g) 608,</u> <u>609</u>	<u>P</u>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Outer Mission Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>745.38</u>	<u>Residential Conversion</u>	<u>§ 790.84, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>745.39</u>	<u>Residential Demolition</u>	<u>§ 790.86, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Retail Sales and Services</u>					
<u>745.40</u>	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P #</u>	<u>P #</u>	<u>P #</u>
	<u>[Not Listed Below]</u>				
<u>745.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	
<u>745.43</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P</u>	<u>P</u>	
<u>745.44</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>P</u>	
<u>745.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>NP #</u>		
<u>745.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	
<u>745.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	
<u>745.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	
<u>745.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	
<u>745.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	
<u>745.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900</u>	<u>C</u>	<u>C</u>	
		<u>Health Code</u>			
<u>745.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>

1	<u>745.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1,</u>	<u>C</u>		
2			<u>160</u>			
3	<u>745.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>		
4	<u>745.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>		
5	<u>745.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	
6	<u>745.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>		
7	<u>745.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>		
8	<u>745.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	
9	<u>745.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>		
10	<u>745.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	<u>745.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>P</u>	<u>P</u>
12	<u>745.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	<u>745.68</u>	<u>Fringe Financial Services</u>	<u>§ 790.111</u>	<u>#</u>		
14	<u>745.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
15		<u>Establishments</u>				
16	<u>745.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
17		<u>(Mechanical Amusement</u>				
18		<u>Devices)</u>				
19	<u>745.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
20	<u>745.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	<u>Institutions and Non-Retail Sales and Services</u>					
22	<u>745.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
23	<u>745.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	<u>745.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
25						

745.82	<i>Other Institutions, Small</i>	<u>§ 790.51</u>	<i>P</i>	<i>P</i>	<i>P</i>
745.83	<i>Public Use</i>	<u>§ 790.80</u>	<i>C</i>	<i>C</i>	<i>C</i>
745.84	<i>Medical Cannabis Dispensary</i>	<u>§ 790.141</u>	<i>P#</i>	<i>P#</i>	<i>P#</i>
<b><u>RESIDENTIAL STANDARDS AND USES</u></b>					
745.90	<i>Residential Use</i>	<u>§ 790.88</u>	<i>P, except</i> <i>C for</i> <i>front-</i> <i>ages</i> <i>listed in</i> <u>145.1</u> <i>(d)</i>	<i>P</i>	<i>P</i>
745.91	<i>Residential Density, Dwelling</i> <i>Units</i>	<u>§§ 207, 207.1,</u> <u>790.88(a)</u>	<i>Generally, 1 unit per 600 sq. ft.</i> <i>lot area</i>		
745.92	<i>Residential Density, Group</i> <i>Housing</i>	<u>§§ 207.1, 208,</u> <u>790.88(b)</u>	<i>Generally, 1 bedroom per 210</i> <i>sq. ft. lot area</i>		
745.93	<i>Usable Open Space [Per</i> <i>Residential Unit]</i>	<u>§§ 135, 136</u>	<i>Generally, either 80 sq. ft. if</i> <i>private, or 100 sq. ft. if</i> <i>common § 135(d)</i>		
745.94	<i>Off-Street Parking, Residential</i>	<u>§§ 145.1, 150, 151.1,</u> <u>153- 157, 159- 160,</u> <u>166, 167, 204.5</u>	<i>P up to one car for each unit;</i> <i>NP above</i>		
745.95	<i>Community Residential Parking</i>	<u>§ 790.10, 145.1, 166</u>	<i>C</i>		

**SPECIFIC PROVISIONS FOR THE EXCELSIOR OUTER MISSION STREET**

**NEIGHBORHOOD COMMERCIAL DISTRICT**

<u>Article</u>		
<u>7 Code</u>		
<u>Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 745.40</u>	<u>§§ 790.55, 790.102(a), 790.102(b)</u>	<u><b>OFF-SALE LIQUOR ESTABLISHMENTS</b></u>
<u>§ 745.45</u>		<u><b>Boundaries:</b> Excelsior Outer Mission Street Neighborhood Commercial District.</u>
		<u><b>Controls:</b></u>
		<u>(a) New Liquor Store uses with Type 20 or Type 21 ABC licenses are not permitted in the district; provided, however, that any use within the District with an existing Type 20 or Type 21 ABC license may obtain a new license, if required by the ABC, after it has been closed temporarily for repair, renovation, remodeling, or reconstruction.</u>
		<u>(b) Liquor Store uses may relocate within the district with conditional use authorization.</u>
		<u>(c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale alcohol licenses shall observe the following good neighbor policies:</u>
		<u>(1) Liquor establishments shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p><u>residences:</u></p> <p><u>(2) Advertisements in windows and clear doors are not permitted, and no more than 25 percent of the square footage of the windows and clear doors of liquor establishments shall bear signage of any sort, and all signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.</u></p>
<u>§ 745.68</u>	<u>§ 249.35</u>	<p><b><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></b></p> <p><b><u>Boundaries:</u></b> <u>The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within the Excelsior Outer Mission Street Neighborhood Commercial District.</u></p> <p><b><u>Controls:</u></b> <u>Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Section 249.35(c)(3).</u></p>
<u>§ 745.84</u> <u>§ 790.141</u>	<u>Health Code § 3308</u>	<p><b><u>MEDICAL CANNABIS DISPENSARIES</u></b></p> <p><b><u>Boundaries:</u></b> <u>Excelsior Outer Mission Street Neighborhood Commercial District</u></p>



**Controls:**

(a) A Medical Cannabis Dispensary (MCD) seeking to locate within 1,000 feet of another MCD use may be allowed as a conditional use; provided, however, that any amendments to regulations governing the proximity of an MCD to another MCD that are applicable to MCDs Citywide shall apply in the Excelsior Outer Mission NCD and will supersede the conditional use requirement contained in this Section 745.

(b) In addition to the requirements of Planning Code Section 303, the Planning Commission shall approve the application and authorize the conditional use if the facts presented are such to establish that:

(1) the MCD will bring measurable community benefits and enhancements to the Excelsior Outer Mission Street Neighborhood Commercial District,

(2) the MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of its patients,

(3) the MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the Conditional Use, including adequate security measures in the operation of their business and designating a

1		<u>community liaison to deal effectively with current and</u>
2		<u>future neighborhood concerns.</u>
3		<u>(c) In addition to the above criteria, in regard</u>
4		<u>to a Conditional Use authorization application, the</u>
5		<u>Planning Commission shall consider the existing</u>
6		<u>concentrations of MCDs within the District.</u>
7		<u>(d) A Medical Cannabis Dispensary may only</u>
8		<u>operate between the hours of 8 am and 10 pm.</u>
9		<u>(e) A Medical Cannabis Dispensary may</u>
10		<u>locate above the first floor only if it shall be accessible</u>
11		<u>to persons with disabilities as required under the</u>
12		<u>California Building Code.</u>

Section 3. The Planning Code is hereby amended by deleting Section 785, as follows:

**~~SEC. 785. EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT.~~**

~~(a) Findings. There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off site consumption in the area located generally on Mission Street from Silver Avenue to the Daly City border. The existence of this many off-sale alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety, and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of these problems creates serious impacts on the health, safety, and welfare of residents of nearby single- and multiple-family areas, including fear for the safety of children, elderly residents, and visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and~~

1 ~~destruction of community values and quality of life. The number of establishments selling alcoholic~~  
2 ~~beverages for off-site consumption and the associated problems discourage more desirable and needed~~  
3 ~~commercial uses in the area.~~

4 ~~(b) Establishment of the Excelsior Alcohol Restricted Use District. In order to preserve the~~  
5 ~~residential character and the neighborhood-serving commercial uses of the area, the Excelsior Alcohol~~  
6 ~~Restricted Use District (Excelsior Alcohol RUD) is hereby established for the blocks and lots fronting~~  
7 ~~both sides of Mission Street from Silver Avenue to the Daly City border, as set forth on Sectional Maps~~  
8 ~~SU 11 and SU 12 of the Zoning Maps of the City and County of San Francisco.~~

9 ~~(c) Definitions. The following definitions shall apply to this Section 785:~~

10 ~~(1) "ABC License" shall mean a liquor license issued by the California Department of~~  
11 ~~Alcoholic Beverage Control.~~

12 ~~(2) "Liquor establishment" shall mean any enterprise selling alcoholic beverages, as~~  
13 ~~defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC~~  
14 ~~License.~~

15 ~~(3) "Prohibited liquor establishment" shall mean any establishment selling alcoholic~~  
16 ~~beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of~~  
17 ~~California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise~~  
18 ~~lawful. It shall include an establishment that is defined in Section 790.55 of this Code.~~

19 ~~(d) Controls.~~

20 ~~(1) No new liquor establishments selling alcoholic beverages for off-site consumption~~  
21 ~~shall be permitted in the Excelsior Alcohol RUD.~~

22 ~~(2) The prohibition of off-sale liquor establishments shall not be interpreted to prohibit~~  
23 ~~the following:~~

24 ~~(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or~~  
25

1 ~~(B) Establishment of an off-sale liquor establishment if an application for such~~  
2 ~~liquor establishment is on file with the California Department of Alcoholic Beverage Control prior to~~  
3 ~~the effective date of this ordinance establishing the Excelsior Alcohol RUD; or~~

4 ~~(3) Continuation of Existing Prohibited Liquor Establishments. In the Excelsior~~  
5 ~~Alcohol RUD, any prohibited liquor establishment may continue in accordance with Planning Code~~  
6 ~~Section through 186.2, subject to the following provisions:~~

7 ~~(A) A prohibited liquor establishment lawfully existing and selling alcoholic~~  
8 ~~beverages as licensed by the State of California prior to the effective date of this legislation, or~~  
9 ~~subsequent legislation prohibiting that type of liquor establishment, so long as otherwise lawful may~~  
10 ~~continue to operate only under the following conditions, as provided by California Business and~~  
11 ~~Professions Code Section 23790:~~

12 ~~(i) Except as provided in Subsection (B) below, the premises shall retain~~  
13 ~~the same type of retail liquor license within a license classification; and~~

14 ~~(ii) Except as provided in Subsection (B) below, the liquor establishment~~  
15 ~~shall be operated continuously, without substantial changes in mode or character of operation.~~

16 ~~(B) A break in continuous service shall not be interpreted to include the~~  
17 ~~following, provided that, except as indicated below, the location of the establishment does not change,~~  
18 ~~the square footage used for the sale of alcoholic beverages does not increase, and the type of ABC~~  
19 ~~License does not change:~~

20 ~~(i) a change in ownership of a prohibited liquor establishment or an~~  
21 ~~owner to owner transfer of an ABC License;~~

22 ~~(ii) a temporary closure for restoration or repair of an existing prohibited~~  
23 ~~liquor establishment on the same lot after total or partial destruction or damage due to fire, riot,~~  
24 ~~insurrection, toxic accident, or act of God;~~

(iii) temporary closure of an existing prohibited liquor establishment for reasons other than total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God for not more than thirty days for repair, renovation, or remodeling; or

(iv) relocation of an existing prohibited liquor establishment in the Excelsior Alcohol RUD to another location within the same Excelsior Alcohol RUD with conditional use authorization from the Planning Commission, provided that the original premises shall not be occupied by a prohibited liquor establishment unless by another prohibited liquor establishment that is also relocating from within the Excelsior Alcohol RUD.

Section 4. The Planning Code is hereby amended by revising Sections 201, 207.4, 249.35, 263.20, 607.1, 702.1 and 702.3, to read as follows:

**SEC. 201. CLASSES OF USE DISTRICTS.**

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

***
<b>Named Neighborhood Commercial Districts</b> (Defined in Sec. 702.1)
Broadway Neighborhood Commercial District (Defined in Sec. 714.1)
Castro Street Neighborhood Commercial District (Defined in Sec. 715.1)
Inner Clement Street Neighborhood Commercial District (Defined

1	in Sec. 716.1)
2	Outer Clement Street Neighborhood Commercial District (Defined
3	in Sec. 717.1)
4	Upper Fillmore Street Neighborhood Commercial District (Defined
5	in Sec. 718.1)
6	Haight Street Neighborhood Commercial District (Defined in Sec.
7	719.1)
8	Inner Sunset Neighborhood Commercial District (Defined in Sec.
9	730.1)
10	Upper Market Street Neighborhood Commercial District (Defined
11	in Sec. 721.1)
12	North Beach Neighborhood Commercial District (Defined in Sec.
13	722.1)
14	Pacific Avenue Neighborhood Commercial District (Defined in
15	Sec. 732.1)
16	Polk Street Neighborhood Commercial District (Defined in Sec.
17	723.1)
18	Sacramento Street Neighborhood Commercial District (Defined in
19	Sec. 724.1)
20	Union Street Neighborhood Commercial District (Defined in Sec.
21	725.1)
22	
23	
24	
25	

1	24th Street-Noe Valley Neighborhood Commercial District
2	(Defined in Sec. 728.1)
3	West Portal Avenue Neighborhood Commercial District (Defined
4	in Sec. 729.1)
5	Noriega Street Neighborhood Commercial District (Defined in Sec.
6	739.1)
7	Irving Street Neighborhood Commercial District (Defined in Sec.
8	740.1)
9	Taraval Street Neighborhood Commercial District (Defined in Sec.
10	741.1)
11	Judah Street Neighborhood Commercial District (Defined in Sec.
12	742.1)
13	Regional Commercial District (Defined in Sec. 744)
14	<u>Excelsior Outer Mission Neighborhood Commercial District (Defined in</u>
15	<u>Sec. 745.1)</u>
16	***
17	
18	
19	
20	
21	<b>Neighborhood Commercial Restricted Use Districts and</b>
22	<b>Subdistricts (Defined in Sec. 781)</b>
23	Taraval Street Restaurant Subdistrict (Defined in Sec. 781.1)
24	Geary Boulevard Formula Retail Pet Supply Store and Formula
25	

1	Retail Eating and Drinking Subdistrict (Defined in Sec. 781.4)
2	Mission Street Formula Retail Restaurant Subdistrict (Defined in
3	Sec. 781.5)
4	North Beach Financial Service, Limited Financial Service, and
5	Business or Professional Service Subdistrict (Defined in Sec.
6	781.6)
7	Chestnut Street Financial Subdistrict (Defined in Sec. 781.7)
8	Mission Alcoholic Beverage Special Use District (Defined in Sec.
9	781.8)
10	Haight Street Alcohol Special Use District (Defined in Sec. 781.9)
11	17th and Rhode Island Street Grocery Store Special Use District
12	(Defined in Sec. 781.10)
13	Third Street Alcohol Restricted Use District (Defined in Sec. 782)
14	Divisadero Street Alcohol Restricted Use District (Defined in Sec.
15	783)
16	Lower Haight Street Alcohol Restricted Use District (Defined in
17	Sec. 784)
18	<del>Excelsior Alcohol Restricted Use District (Defined in Sec. 785)</del>
19	Lower Haight Street Tobacco Paraphernalia Restricted Use
20	District (Defined in Sec. 786)
21	Fringe Financial Service Restricted Use District (Defined in Sec.
22	
23	
24	
25	



249.35)

\* \* \* \*

In addition to the classes of use districts in the above table, the following terms shall apply:

"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, ~~RM-2 RM-1~~, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, or RC-4 District;

"M District" shall mean any M-1 or M-2 District;

"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G or PDR-2 District;

"RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District;

"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;

"RTO District" shall mean any RTO or RTO-M District;

"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the South of Market Extended Preservation District designated on Section Map SU03 of the Zoning Map;

"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and

"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern Neighborhood Mixed use, and Downtown Residential Districts.

#### **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the following subsections:

(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.

The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not exceeding the number of dwelling units permitted in the nearest Residential District, provided that the maximum density ratio shall in no case be less than the amount set forth in the zoning control following table for the district. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

<i>NC District</i>	<i>Residential Density Limits</i>
<i>NC-1</i>	<i>One dwelling unit for each 800 sq. ft. of lot area.</i>
<i>NC-2</i>	
<i>NC-S</i>	
<i>Inner Sunset</i>	
<i>Sacramento Street</i>	
<i>West Portal Avenue</i>	
<i>NC-3</i>	<i>One dwelling unit for each 600 sq. ft. of lot area.</i>
<i>Castro Street</i>	
<i>Inner Clement Street</i>	
<i>Outer Clement Street</i>	
<i>Upper Fillmore Street</i>	
<i>Haight Street</i>	
<i>Union Street</i>	

24th Street-Mission	One dwelling unit for each 100 sq. ft. of lot area.
24th Street-Noe Valley	
Broadway	
Upper Market Street	
North Beach	
Polk Street	

(b) The dwelling unit density for dwellings specifically designed for and occupied by senior citizens or ~~physically-handicapped~~ persons with physical disabilities shall be at a density ratio not exceeding twice the number of dwelling units permitted by the limits set forth in Subsection (a).

(c) The dwelling unit density in the RCD District and NCT Districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

#### **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

(a) **Findings.** There are an unusually large number of establishments providing fringe financial services, including check cashing and payday lending, in the neighborhoods included in the Mission Alcoholic Beverage Special Use District, the North of Market Residential Special Use District, the Divisadero Street Alcohol Restricted Use District, the Third Street Alcohol Restricted Use District, and the Haight Street Alcohol Restricted Use Subdistrict ~~and the proposed Excelsior Alcohol Restricted Use District~~. The unchecked proliferation of these businesses has the potential to displace other financial service providers, including charter banks, which offer a much broader range of financial services, as well as other desired

commercial development in the City, which provides a broad range of neighborhood commercial goods and services.

(b) **Establishment of the Fringe Financial Service Restricted Use District.** In order to preserve the residential character and the neighborhood-serving commercial uses of the following defined areas, a noncontiguous Fringe Financial Service Restricted Use District (Fringe Financial Service RUD) is hereby established for the following properties:

(1) Properties in the Mission Alcoholic Beverage Special Use District, as described in Section 781.8 of this Code and as designated on Zoning Maps Numbers SU07 and SU08 of the Zoning Map of the City and County of San Francisco;

(2) Properties in the North of Market Residential Special Use District, as described in Section 249.5 of this Code and as designated on Zoning Maps Numbers SU01 and SU02;

(3) Properties in the Divisadero Street Alcohol Restricted Use District, as described in Section 783 of this Code and as designated on Zoning Maps Numbers SU02 and SU07 of the Zoning Map of the City and County of San Francisco and the Excelsior Outer Mission Street Neighborhood Commercial District, as described in Section 745 of this Code and as designated on Zoning Map ZN08 of the Zoning Map of the City and County of San Francisco;

(4) Properties in the Third Street Alcohol Restricted Use District, as described in Section 782 of this Code and as designated on Zoning Map Number SU10 of the Zoning Map of the City and County of San Francisco; and

(5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as described in Section 781.9 of this Code and as designated on Zoning Maps Numbers SU06 and SU07 of the Zoning Map of the City and County of San Francisco; and

~~(6) Properties in the proposed Excelsior Alcohol Restricted Use District, which included Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City~~

~~San Francisco border as set forth in Special Use District Maps SU11 and SU12 of the Zoning Map of the City and County of San Francisco. Inclusion of these properties in the Fringe Financial Service RUD shall survive any sunset provisions of the proposed Excelsior Alcohol Restricted Use District.~~

~~\*\*\*\*\*~~

**SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

(a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) **Applicability.** The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located in one of the following districts:

(A) in an NCT district as designated on the Zoning Map;

(B) in the 24th Street – Noe Valley, Castro Street, Upper Market Street, Inner Clement Street and Outer Clement Street NCDs; Excelsior Outer Mission Street, Irving Street, Judah Street, Noriega Street, Taraval Street NCDs;

~~(C) on a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border;~~

1 ~~(C)~~ ~~(D)~~ on a NC-2 designated parcel on Balboa Street between 2nd  
2 Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue;

3 ~~(D)~~ ~~(E)~~ on a NC-1 designated parcel within the boundaries of Sargent  
4 Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San  
5 Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street  
6 and back to Sargent Street; ~~or~~

7 ~~(E)~~ ~~(F)~~ on a NC-3 designated parcel fronting on Geary Boulevard from  
8 Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard  
9 between Palm Avenue and Parker Avenue; or

10 ~~(F)~~ ~~(G)~~ on a parcel zoned NC-1 ~~or NC-2 with a commercial use on the ground~~  
11 ~~floor~~ on Noriega, Irving, Taraval, or Judah Streets west of 19th Avenue; ~~;~~

12 ~~(H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor~~  
13 ~~on Irving Street west of 19th Avenue;~~

14 ~~(I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor~~  
15 ~~on Taraval Street west of 19th Avenue;~~

16 ~~(J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor~~  
17 ~~on Judah Street west of 19th Avenue;~~

18 (3) project features ground floor commercial space or other active use as  
19 defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk  
20 grade, or in the case of residential uses, such walk-up residential units are raised up from  
21 sidewalk level;

22 (4) said ground floor commercial space, active use, or walk-up residential use is  
23 primarily oriented along a right-of-way wider than 40 feet;

24 (5) said ground floor commercial space or active use occupies at least 50% of  
25 the project's ground floor area; and

(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

(Diagram not shown but not to be deleted.)

**SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.**

\* \* \* \*

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth below.

**(1) NC-1 and NCT-1 Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

1 (C) **Projecting Signs.** The number of projecting signs shall not exceed  
2 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24  
3 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which  
4 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance  
5 from the street property line to the curbline, or six feet six inches, whichever is less. The sign  
6 may be nonilluminated or indirectly illuminated, or during business hours, may be directly  
7 illuminated.

8 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings  
9 in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section  
10 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly  
11 illuminated.

12 (2) RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,  
13 Outer Clement Street, Upper Fillmore Street, Inner Sunset, Irving Street, Haight Street,  
14 Hayes-Gough, Judah Street, Upper Market Street, Excelsior Outer Mission Street, Noriega  
15 Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Sacramento Street,  
16 SoMa, Taraval Street, Union Street, Valencia Street, 24th Street - Mission, 24th Street -  
17 Noe Valley, West Portal Avenue, Glen Park, RCD, and Folsom Street Neighborhood  
18 Commercial Districts.

19 (A) **Window Signs.** The total area of all window signs, as defined in  
20 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are  
21 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

22 (B) **Wall Signs.** The area of all wall signs shall not exceed two square  
23 feet per foot of street frontage occupied by the use measured along the wall to which the  
24 signs are attached, or 100 square feet for each street frontage, whichever is less. The height  
25 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the



height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curblineline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

1                   (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial**  
2 **Districts.**

3                   (A) **Window Signs.** The total area of all window signs, as defined in  
4 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are  
5 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

6                   (B) **Wall Signs.** The area of all wall signs shall not exceed three square  
7 feet per foot of street frontage occupied by the use measured along the wall to which the  
8 signs are attached, or 150 square feet for each street frontage, whichever is less. The height  
9 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the  
10 height of the lowest of any residential windowsill on the wall to which the sign is attached,  
11 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

12                  (C) **Projecting Signs.** The number of projecting signs shall not exceed  
13 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32  
14 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it  
15 is attached, or the height of the lowest of any residential windowsill on the wall to which the  
16 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of  
17 the horizontal distance from the street property line to the curbline, or six feet six inches,  
18 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

19                  (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located  
20 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as  
21 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be  
22 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters  
23 or places of entertainment may be directly illuminated during business hours.

24                  (E) **Freestanding Signs and Sign Towers.** With the exception of  
25 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this

Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(4) **Special Standards for Automotive Gas and Service Stations.** For automotive gas and service stations in Neighborhood Commercial Districts, only the following signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend ~~more~~ *than 10 feet* above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

\* \* \* \*

1     **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

2           (a)    The following districts are established for the purpose of implementing the  
3   Commerce and Industry element and other elements of the General Plan, according to the  
4   objective and policies stated therein. Description and Purpose Statements outline the main  
5   functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San  
6   Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

7           The description and purpose statements and land use controls applicable to each of  
8   the general and individual area districts are set forth in this Code for each district class. The  
9   boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map  
10   referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

11

* * * *	
<b>Named Neighborhood Commercial Districts</b>	<b>Section Number</b>
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Inner Sunset Neighborhood Commercial District	§ 730
Glen Park Neighborhood Commercial Transit District	§ 738.1
Noriega Street Neighborhood Commercial District	§739.1
Irving Street Neighborhood Commercial District	§740.1
Taraval Street Neighborhood Commercial District	§741.1
Judah Street Neighborhood Commercial District	§742.1
Folsom Street Neighborhood Commercial Transit District	§ 743.1
Regional Commercial District	§ 744.1
<u>Excelsior Outer Mission Street Neighborhood Commercial District</u>	<u>§ 745.1</u>

\*\*\*\*\*

### SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

In addition to the Neighborhood Commercial Use Districts established by Section 702.1 of this Code, certain Neighborhood Commercial Special Use Districts are established for the purpose of controlling the expansion of certain kinds of uses which if uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

The purposes and provisions set forth in Sections 781.1 through 781.6, Sections 783 – 786, and Sections 249.35 – 249.99 of this Code shall apply respectively within these districts. The boundaries of the districts are as shown on the Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant Subdistrict	§ 781.1
Geary Boulevard Formula Retail Pet Supply Store and Formula	§ 781.4

Retail Eating and Drinking Subdistrict	
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
<del>Excelsior Alcohol Special Use District</del>	<del>§ 785</del>
Fringe Financial Service Restricted Use District	§ 249.35
Mission Alcohol Restricted Use District	§ 249.60 (formerly 781.8)
Third Street Alcohol Restricted Use District	§ 249.62 (formerly 782)

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1           Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance  
7

8           APPROVED AS TO FORM:  
9           DENNIS J. HERRERA, City Attorney

10          By: \_\_\_\_\_  
11               JUDITH A. BOYAJIAN  
              Deputy City Attorney

12          n:\leganas2013\1300263\00883030.doc  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[Planning Code - Allowing Certain Non-Conforming Structures to be Rebuilt Under Certain Conditions]

**Ordinance amending the Planning Code to allow non-conforming secondary structures in a C-3-R Zoning District to be demolished and rebuilt to the prior non-conforming size under certain conditions; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in single-underline italics Times New Roman font.  
**Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings [OR, this determination] as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.



1 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
2 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
3 in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such reasons  
4 herein by reference.

5  
6 Section 2. The Planning Code is hereby amended by revising Section 188, to read as  
7 follows:

8 SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS  
9 AND RECONSTRUCTION.

10 (a) Within the limitations of this Article 1.7, and especially Sections 172 and 180  
11 hereof, a noncomplying structure as defined in Section 180 may be enlarged, altered or  
12 relocated, or undergo a change or intensification of use in conformity with the use limitations  
13 of this Code, provided that with respect to such structure there is no increase in any  
14 discrepancy, or any new discrepancy, at any level of the structure, between existing  
15 conditions on the lot and the required standards for new construction set forth in this Code,  
16 and provided the remaining requirements of this Code are met.

17 (b) A noncomplying structure that is damaged or destroyed by fire, or other calamity,  
18 or by Act of God, or by the public enemy, may be restored to its former condition; provided  
19 that such restoration is permitted by the Building Code, and is started within eighteen months  
20 and diligently prosecuted to completion. Except as provided in Subsection (c) below, no  
21 noncomplying structure that is voluntarily razed or required by law to be razed by the owner  
22 thereof may thereafter be restored except in full conformity with the requirements of this Code.

23 For purposes of this Subsection (b), "started within eighteen months" shall mean that  
24 within eighteen months of the fire or other calamity or Act of God, the structure's owner shall  
25 have filed a building permit application to restore the structure to its former condition and use.

1 (c) In order that major life safety hazards in noncomplying structures may be  
2 eliminated as expeditiously as possible, a noncomplying structure constructed of unreinforced  
3 masonry that is inconsistent with the requirements of the UMB Seismic Retrofit Ordinance,  
4 Ordinance No. 227-92, may be demolished and reconstructed to the same level of  
5 noncompliance; provided that:

6 (1) The current requirements of the Building, Housing and Fire Codes and, as  
7 applicable, Planning Code are met, provided that the Zoning Administrator may, and is hereby  
8 empowered to, permit minor modifications to Planning Code requirements (which may include  
9 permitting an increase in the building envelope or a reduction in the number of parking  
10 spaces) to the extent necessary and required to bring the replacement building up to such  
11 applicable Code requirements and to allow replacement of the demolished building with a  
12 building which contains a comparable amount of square footage or the same number of  
13 residential units as that of the demolished building. The Zoning Administrator shall provide a  
14 written determination regarding such permitted Planning Code modifications; and

15 (2) Such restoration or reconstruction is started within one year after razing or  
16 other demolition work on the structure and diligently prosecuted to completion.

17 (d) Notwithstanding Subsection (a) of this Section, a noncomplying structure as  
18 defined in Section 180, may add nonusable space. "Nonusable space" is space not used for  
19 living, sleeping, eating, cooking or working. Public corridors, mechanical space, fire stairs and  
20 similar areas, are nonusable space. The enlargement must:

21 (1) Facilitate the adaptive reuse or the rehabilitation of a landmark site or  
22 contributory structure within a Historic District designated under Article 10 of this Code or a  
23 significant structure or contributory structure within a Conservation District designated under  
24 Article 11 of this Code; and  
25

1 (A) Be necessary to comply with Building Code, Fire Code or Planning  
2 Code requirements; or

3 (B) Enhance the life safety aspects of the building and/or mechanical,  
4 environmental control systems; or

5 (2) Be located within a C-3 District, and:

6 (A) Be necessary to comply with Building Code, Fire Code or Planning  
7 Code requirements; or

8 (B) Enhance aesthetic qualities and/or character; or

9 (C) Enhance the life safety aspects of the building and/or mechanical,  
10 environmental control systems; or

11 (D) Accommodate rooftop features exempted from height limits under  
12 Section 260(b) or as provided for under Sections 270, 271 or 272 of this Code.

13 (3) Application for enlargement of a non-complying structure under Subsection  
14 (d)(1) shall be considered as part of an application for a Certificate of Appropriateness under  
15 Article 10 or a Permit to Alter under Article 11 of this Code. Any application to enlarge a  
16 noncomplying structure under Article 11 shall be considered as a major alteration under  
17 Section 1111 of the Planning Code. Application to alter a noncomplying structure not  
18 designated an Article 11 significant or contributory building under Subsection (d)(2) shall be  
19 considered under the provisions of Section 309(b) of this Code. These applications shall be  
20 subject to the following additional criteria:

21 (A) That the enlargement promote the health, safety and welfare of the  
22 public; and

23 (B) That the enlargement not cause significant shadows or wind impacts  
24 on public sidewalks and parks; and

1 (C) That the structure provides an appropriate transition to adjacent  
2 properties, as necessary; and

3 (D) That the interior block open space formed by the rear yards of  
4 abutting properties will not be adversely affected; and

5 (E) That the access of light and air to abutting properties will not be  
6 significantly affected; and

7 (F) That public view corridors not be significantly affected; and

8 (4) The City Planning Commission, subject to the same application procedures  
9 of Section 188(d)(3) above, may grant an exception to the Planning Code requirements rather  
10 than expansion of the structure to accommodate the Planning Code requirements. The  
11 exception of the Planning Code requirement shall be subject to the criteria below:

12 (A) That the exception promote the health, safety and welfare of the  
13 public; and

14 (B) That the exception result in an increased benefit to the public and the  
15 adjacent properties over the increase in nonconformance; and

16 (C) That the exception not be detrimental to either the occupants of the  
17 proposed project or to the neighborhood.

18 (e) Notwithstanding Subsection (a) of this Section, and in order that certain character-  
19 defining architectural elements of Qualified Movie Theaters be preserved and enhanced, a  
20 noncomplying Historic Movie Theater Projecting Sign, as defined in Section 602.25, and/or a  
21 noncomplying Historic Movie Theater Marquee, as defined in Section 602.26, may be  
22 preserved, rehabilitated, or restored. A noncomplying Historic Movie Theater Projecting Sign  
23 or a noncomplying Historic Movie Theater Marquee removed from a Qualified Movie Theater  
24 prior to or in absence of an application for replacement may be reconstructed.

25

1 (1) For the purposes of this Section, "Qualified Movie Theater" shall mean a  
2 building that: (A) is currently or has been used as a movie theater; and (B) is listed on or  
3 eligible for listing on the National Register of Historic Places or the California Register of  
4 Historical Resources, designated a City Landmark or a contributor to a City Landmark District  
5 under Article 10, or designated as a Significant or Contributory Building under Article 11.

6 (2) Any preservation, rehabilitation, restoration, or reconstruction permitted  
7 under this Section shall be in strict conformity with the overall design, scale, and character of  
8 the existing or previously existing Historic Movie Theater Sign or Historic Movie Theater  
9 Marquee and:

10 (A) For a Qualified Movie Theater that retains its Historic Movie Theater  
11 Projecting Sign and/or Historic Movie Theater Marquee, the signage features shall be limited  
12 to the following:

13 (i) On a Historic Movie Theater Projecting Sign, the historic name  
14 associated with a previous theater occupant;

15 (ii) On a Historic Movie Theater Marquee, the historic name  
16 associated with a previous theater occupant and, where applicable, on the signboard, other  
17 information that is an Identifying Sign, as defined in Section 602.10, provided such information  
18 shall be contained within the signboard, shall not consist of any logos, and shall be in the  
19 character of lettering historically found on movie theater signboards in terms of size, font, and  
20 detail.

21 (B) For a Qualified Movie Theater where the Historic Movie Theater  
22 Projecting Sign and/or Historic Movie Theater Marquee has been removed and is proposed to  
23 be reconstructed, the overall design and signage features shall be limited to the following:

24 (i) On a Historic Movie Theater Projecting Sign, the historic name  
25 associated with a previous theater occupant;

(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as defined in Section 602.10, provided such information shall be contained within the signboard, shall not consist of any logos, and shall be in the character of lettering historically found on movie theater signboards in terms of size, font, and detail.

(C) Any application to reconstruct shall include evidence of the dimensions, scale, materials, placement, and features of the previously existing Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee, as well as any other information required by the Zoning Administrator.

(D) General advertising signs shall not be permitted on either a Historic Movie Theater Projecting Sign or a Historic Movie Theater Marquee.

(f) Notwithstanding Subsection (a) of this Section 188, a secondary structure that is noncomplying with respect to the maximum floor area ratio limit may be removed, in whole or in part, and reconstructed pursuant to the criteria below. For purposes of this Subsection (f), a secondary structure means a structure located on a lot with two or more structures that has no more than one-quarter of the gross floor area of the primary structure on the lot.

(1) The proposed removal and reconstruction shall:

(A) Be located within a C-3-R District;

(B) Promote and enhance the C-3-R District as a retail destination;

(C) Result in an increased benefit to the public and the adjacent properties;

(D) Enhance the aesthetic qualities and/or character of the lot;

(E) Result in a net decrease of gross floor area of all structures on the subject property;

(F) Result in a structure that more closely conforms to the floor area ratio limit;

- 1                    (G) Not result in an adverse impact to a historic resource;  
2                    (H) Not cause significant shadows or wind impacts on public sidewalks or  
3 parks;  
4                    (I) Not obstruct significant public view corridors; and  
5                    (J) Not significantly impair light and air to abutting properties.  
6                    (2) An application for removal and reconstruction of a non-complying secondary  
7 structure shall be considered under the provisions of Section 309(b) of this Code.  
8

9                    Section 3. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor's veto of the ordinance.

13  
14                    Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
18 additions, and Board amendment deletions in accordance with the "Note" that appears under  
19 the official title of the ordinance.

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 KATE HERRMANN STACY  
25 Deputy City Attorney

## LEGISLATIVE DIGEST

[Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]

**Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots and parking garages.**

### Existing Law

Existing law requires entities or individuals wishing to operate a commercial parking garage or commercial parking lot to apply annually to the Chief of Police. The application must include certain information such as a list of all people working at the parking garage or parking lot or whom the applicant proposes for employment or work at the parking garage or parking lot.

### Amendments to Current Law

This Ordinance would require applicants for commercial parking garages and commercial parking lots to supply, as part of their annual application, the following additional information: (1) how long each employee has been employed by the applicant; (2) a list of the residential zip codes of all people working at the parking garage or parking lot, or whom the applicant proposes for employment at the parking garage or parking lot, along with the number of individuals that live in each zip code; and (3) the total number of males and the total number of females working at the parking garage or parking lot, or whom the applicant proposes for employment at the parking garage or parking lot.





[Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]

Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots or parking garages.

NOTE: Unchanged Code text and uncoded text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strikethrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strikethrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Police Code is hereby amended by revising Section 1215.1, to read as follows:

**SEC. 1215.1. APPLICATION FOR PERMIT.**

(a) Application Requirements. An applicant for a commercial parking permit shall use the application form the Chief of Police provides, and shall supply the following information:

- (1) The applicant's business name and address, and the address of the parking garage or parking lot for which the applicant seeks a commercial parking permit;
- (2) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any commercial parking permit the Chief of Police issues;
- (3) The names and residence addresses of every officer and partner of the applicant and every person with 10 percent or larger ownership interest in the applicant;

1           (4) The name and residence address of the individual whom the applicant has  
2 authorized to manage, direct, or control the operations of the parking garage or parking lot for  
3 which the applicant seeks a commercial parking permit;

4           (5) For all individuals listed in subsections (2) through (4), a list of each conviction  
5 of or plea of guilty or no contest to a covered crime in the ten years preceding the application,  
6 including the nature of the offense and the place and date of the conviction or plea;

7           (6) If the applicant does not own the building, structure or space where the parking  
8 garage or parking lot for which the applicant seeks a commercial parking permit operates or  
9 will operate, the name, business address and contact information of the owner, and  
10 documentation demonstrating the nature of the applicant's interest in the building, structure or  
11 space;

12           (7) A copy of a current and valid business registration certificate that the Office of  
13 the Treasurer and Tax Collector has issued to the applicant under Business and Tax  
14 Regulations Code Section 853. The name on the business registration certificate must match  
15 the name of the applicant on the application for the commercial parking permit;

16           (8) A copy of a current and valid certificate of authority for the parking garage or  
17 parking lot for which the applicant seeks a commercial parking permit that the Office of the  
18 Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations  
19 Code Section 6.6-1, or documentation demonstrating that the applicant has applied to the  
20 Office of the Treasurer and Tax Collector for a certificate of authority for the parking garage or  
21 parking lot for which the applicant seeks a commercial parking permit and has obtained the  
22 bond required for that certificate. The name on the certificate of authority or on the application  
23 for a certificate of authority and bond must match the name of the applicant on the application  
24 for the commercial parking permit;

1 (9) A copy of plans for the parking garage or parking lot for which the applicant  
2 seeks a commercial parking permit. The plans must include the name and business address  
3 of the applicant; the address of the parking garage or parking lot; the name and business  
4 address of the owner of the building, structure or space where the garage or lot is located, if  
5 the applicant is not the owner; all pedestrian and vehicular entrances and exits to the garage  
6 or lot; the dimensions and types of construction of all structures, fences or other  
7 improvements; and any features that may affect street traffic;

8 (10) The total motor vehicle capacity of the parking garage or parking lot for which  
9 the applicant seeks a permit, including the number of designed spaces and the motor vehicle  
10 capacity of all undesignated areas the applicant could use for overflow parking;

11 (11) Certificates of insurance and endorsements evidencing insurance in the  
12 amounts and coverages the Chief of Police sets under Section 1215.4(b);

13 (12) A list of all employees or other individuals working at the parking garage or  
14 parking lot, or whom the applicant proposes for employment or work at the parking garage or  
15 parking lot including for each individual the hours and duties of employment and the how long the  
16 individual has been employed by the applicant;

17 ~~(13)-and-a~~ A declaration signed by the applicant under penalty of perjury certifying  
18 that the applicant has verified that in the preceding ten years, none of the employees or other  
19 individuals has been convicted of or ~~plead~~ pled guilty or no contest to a covered crime, or for  
20 any employee or other individual who has been convicted of or ~~plead~~ pled guilty or no contest  
21 to a covered crime in the preceding ten years, written authorization from the Chief of Police  
22 under Section 1215.6(b) allowing the employee or individual to work at the parking garage or  
23 parking lot;

24 (14) A list of the residential zip codes of all employees or other individuals working at the  
25 parking garage or parking lot, or whom the applicant proposes for employment or work at the parking

1 garage or parking lot, along with the number of individuals that live in each zip code. This list shall  
2 not identify which individuals reside in which zip codes. For purposes of this subsection, the term  
3 "residential zip code" shall mean the zip code where the individual primarily resides;

4 (15) The total number of males and the total number of females working at the parking  
5 garage or parking lot, or whom the applicant proposes for employment or work at the parking garage  
6 or parking lot;

7 ~~(13-16)~~ The proposed design of the identification badge for employees or other  
8 individuals working at the parking garage or parking lot for which the applicant seeks a permit;

9 ~~(14-17)~~ A security plan for the parking garage or parking lot. The security plan  
10 must specify the hours of operation for the parking garage or parking lot and meet the  
11 requirements set in Section 1215.2(c). The security plan shall include a certification from the  
12 applicant that the applicant shall operate the parking garage or parking lot in compliance with  
13 the security plan for the duration of any commercial parking permit issued by the Chief of  
14 Police;

15 ~~(15-18)~~ The name and address of the person authorized to accept service of  
16 process for the applicant; and

17 ~~(16-19)~~ Any other information that the Chief of Police finds reasonably necessary  
18 to investigate the application.

19  
20 Section 2. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1           Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.  
7  
8

9       APPROVED AS TO FORM:  
10      DENNIS J. HERRERA, City Attorney

11      By: \_\_\_\_\_  
12           JOSHUA S. WHITE  
            Deputy City Attorney

13      n:\egana\as2013\1400136\00876913.doc  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



[Planning Code - Definition of Bona Fide Eating Place]

Ordinance amending the Planning Code to expand the definition of “bona fide eating place” to include a definition based on food sales per occupant; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strikethrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strikethrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and this Board adopts this determination as its own. Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.



1           Section 2. The Planning Code is hereby amended by amending Section 790.142, to  
2 read as follows:

3           **SEC. 790.142. BONA FIDE EATING PLACE.**

4           A place which is regularly and in a bona fide manner used and kept open for the  
5 service of meals to guests for compensation and which has suitable kitchen facilities  
6 connected therewith, containing conveniences for cooking of an assortment of foods which  
7 may be required for ordinary meals.

8           (a) "Meals" shall mean an assortment of foods commonly ordered at various hours  
9 of the day for breakfast, lunch or dinner. Incidental food service, comprised only of appetizers  
10 to accompany drinks is not considered a meal. Incidental, sporadic or infrequent sales of  
11 meals or a mere offering of meals without actual sales is not compliance.

12           (b) "Guests" shall mean persons who, during the hours when meals are regularly  
13 served therein, come to a bona fide public eating place for the purpose of obtaining, and  
14 actually order and obtain at such time, in good faith, a meal therein. Nothing in this section,  
15 however, shall be construed to require that any food be sold or purchased with any beverage.

16           (c) Actual and substantial sales of meals are required, during the normal days and  
17 meal hours that a bona fide public eating place is open; provided that "normal days of  
18 operation" shall mean a minimum of five days a week and "normal hours" of operation for  
19 meal service shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00  
20 a.m. to 2:00 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

21           (d) The premises must be equipped and maintained in good faith. This means the  
22 premises must possess working refrigeration and cooking devices, pots, pans, utensils, table  
23 service, condiment dispensers, menus, signs and enough goods to make substantial meals.  
24 The premises must comply with all regulations of the Department of Public Health.

1 (e) The restaurant must secure significant revenue from food sales. Significant revenue from  
2 food sales shall mean either:

3 (1) A minimum of 51 percent of the restaurant's gross receipts shall be from  
4 food sales prepared and sold to guests on the premises. Records of the restaurant's gross  
5 receipts shall be provided to the Department upon request; or

6 (2) Annual gross food sales prepared and sold to guests on the premises of at least  
7 \$5,200 per occupant based on the premises' maximum occupant load as determined and approved by  
8 the San Francisco Fire Department and Department of Building Inspection.

9 (f) A "bona fide eating place" does not include an adult entertainment business as  
10 defined in Planning Code Section 790.36.

11 Section 3. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
19 additions, and Board amendment deletions in accordance with the "Note" that appears under  
20 the official title of the ordinance.

21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 MARLENA G. BYRNE  
25 Deputy City Attorney

n:\leganalas2013\1400165\00882423.doc



## LEGISLATIVE DIGEST

[Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Recreation Programs]

**Ordinance amending the Business and Tax Regulations Code, by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and grants for active recreation and improving food access and nutrition, and San Francisco Unified School District physical education, after school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.**

### Existing Law

The City currently does not regulate or tax the distribution of nonalcoholic sugar-sweetened beverages, except that such businesses are subject to the City's general business registration and business tax laws.

### Amendments to Current Law

This ordinance, which would be submitted to the voters for approval by a two-thirds majority, would create a new "Sugar-Sweetened Beverage Tax," codified in new Article 8, Sections 550-564, of the Business and Tax Regulations Code. The tax would be imposed on the first distribution in the City of sugar-sweetened beverages, or concentrate (powder, syrup) that can be made into sugar-sweetened beverages. The distributor of the sugar-sweetened beverage would be liable for the tax. This would be a special tax, with the proceeds of the tax used only to fund specified recreation, health and nutrition programs.

**Rate of Tax.** The tax would be at a rate of two cents per ounce of sugar-sweetened beverage distributed. The tax would also apply to sales of concentrate, at the rate of two cents per ounce of sugar-sweetened beverage that could be made by mixing the concentrate with liquid to produce a sugar-sweetened beverage.

**What is Taxed.** A sugar-sweetened beverage is any nonalcoholic beverage sold for human consumption that has added caloric sweeteners, as defined, and contains more than 25 calories per 12 ounces. A caloric sweetener is any caloric substance suitable for human consumption that humans perceive as sweet and includes, without limitation, sucrose, fructose, including high fructose corn sweetener, glucose, other sugars, and fruit juice concentrates. A "caloric substance" is a substance that adds calories to the diet of a person who consumes that substance.

Sugar-sweetened beverages include, but are not limited to, the following:

- Sodas, colas, and other soft drinks
- Sports drinks
- Energy drinks
- Iced tea
- Juice drinks (unless the beverage contains more than 50 percent natural fruit and/or vegetable juice)

However, a sugar-sweetened beverage does not include:

- Liquids sold for weight reduction or infant rehydration, medical foods, or infant formula.
- Milk
- Beverages that contain more than 50 percent natural fruit juice, vegetable juice, or combined fruit and vegetable juice.
- Diet sodas, sports drinks, energy drinks, bottled water, flavored water, or any other drink that does not exceed 25 calories per 12 ounces, even if the beverage has added caloric sweeteners.

Who is Liable for the Tax. A "retailer" under the tax is a person who sells a sugar-sweetened beverage to a "consumer," or customer. A "distributor" is a person who either:

- Sells a sugar-sweetened beverage or concentrate to another distributor or a retailer; or
- Purchases a sugar-sweetened beverage or concentrate for resale without paying the tax, then uses or consumes it.

All retailers and distributors would be required to register with the Tax Collector and prepare and keep appropriate records. The person who makes the first sale or use of an untaxed beverage or concentrate in the City would be liable for the tax. Failure to pay the tax or comply with tax administration requirements would subject the person to the penalties and interest provided under Article 6, Common Administrative Provisions, of the Business and Tax Regulations Code.

Funding of Recreation, Health, and Nutrition Programs. The proceeds of the tax would be distributed to the following City agencies, community-based organizations, and the San Francisco Unified School District as follows:

- One-third to the Recreation and Park Department for active recreation programs, with the additional authority to distribute up to ten percent of this one-third to community-based organizations for active recreation programs;

- One-third to the San Francisco Unified School District for physical education, after school physical activity, health, or nutrition programs, school lunches, and other school nutrition programs; and
- One-third to be divided between the Department of Public Health, for physical activity programs and programs that improve food nutrition and food access, and the Department of Children, Youth & Their Families, for programs that support active recreation and food nutrition.

Programs eligible for funding from the proceeds of the tax are City-operated programs and grants for active recreation and improving food access and nutrition, and San Francisco Unified School District physical education, after school programs and school lunch and other school nutrition programs, but limited to the following:

- Active recreation programs and programs that support active recreation and health, including, without limitation, in-school and after-school programs;
- School lunches and other school nutrition programs; and
- Programs that improve food and nutrition access and support food nutrition.

The funds would only be able to be used for new or expanded programs, and could not be used to replace funding for existing programs. To this end, the ordinance would not allow the Mayor and the Board of Supervisors to expend monies from the fund unless existing programs had already been funded from other sources, as certified by the Controller. Monies that are not expended would be held in the fund until the funding conditions are met.

A nine-member Active Recreation and Nutrition Oversight Committee ("the Committee") would advise the Mayor, the Board of Supervisors, and City departments in directing the funds. The Committee members would be appointed by the Board of Supervisors to serve a three-year term, without compensation. The Committee would meet at least quarterly. The membership of the Committee would include the following:

- At least one parent.
- At least one person under the age of 18 at the time of appointment.
- At least one resident of a district that is disproportionately affected by obesity or diabetes.
- At least one Committee member with professional and/or volunteer expertise in that area: parks and recreation, school nutrition, public health, working with vulnerable populations, and physical education.

#### Background Information

Calorically sweetened sugary beverages are significant contributors to diabetes, obesity, cardiovascular disease, tooth decay, and other health problems. A single 12-ounce

can of soda contains eight to ten teaspoons of sugar, whereas the American Heart Association recommends no more than nine teaspoons of refined sugar per day.

Research shows that 41 percent of California children ages 2 to 11 and 62 percent of California children ages 12 to 17 drink sugar-sweetened beverages daily, and for each sugar-sweetened beverage that a child consumes a day, the likelihood of the child becoming obese increases by 60 percent.

As of 2010, nearly one-third (31.7%) of children and adolescents in San Francisco were either obese or overweight. In 2011-2012, 41.8 percent of adults in San Francisco were either obese or overweight, and 18 percent of three- to four-year-olds enrolled in San Francisco Head Start were obese, with an additional 13 percent being overweight. Head Start serves children of low-income families. Minority and low-income families are more likely to be affected by obesity and diabetes. For example, the Bayview-Hunters Point neighborhood, which has one of the highest African-American populations in San Francisco, had more per capita emergency room visits due to diabetes between 2009-2011 than any other neighborhood in San Francisco.

Research shows that lifestyle interventions are more cost-effective than medications in preventing or delaying type 2 diabetes. Assessing a tax on sugar-sweetened drinks is intended to help address the high levels of obesity, type 2 diabetes, and other diseases by reducing consumption and providing a revenue stream for City-directed and grant-funded physical activity and nutrition programs in schools, parks, community centers, and elsewhere.

n:\Vegana\as2013\1300530\00881358.doc

[Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Recreation Programs]

Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code, by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and grants for active recreation and improving food access and nutrition, and San Francisco Unified School District physical education, after school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on November 4, 2014:

Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and grants for active recreation and improving food access and nutrition, and San Francisco Unified School District physical education, after school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.



1 Be it ordained by the People of the City and County of San Francisco:

2  
3 Section 1. Pursuant to Article XIIC of the Constitution of the State of California, this  
4 ordinance shall be submitted to the qualified electors of the City and County of San Francisco,  
5 at the November 4, 2014 consolidated general election.  
6

7 Section 2. The Business and Tax Regulations Code is hereby amended by adding  
8 Article 8, to read as follows:  
9

10 **SEC. 550. SHORT TITLE.**

11 *This Article shall be known as the "Sugar-Sweetened Beverage Tax Ordinance."*  
12

13 **SEC. 551. FINDINGS AND PURPOSE.**

14 *Calorically sweetened sugary beverages are significant contributors to diabetes, obesity,*  
15 *cardiovascular disease, tooth decay, and other health problems.*

16 *A single 12-ounce can of soda contains eight to ten teaspoons of sugar, whereas the American*  
17 *Heart Association recommends no more than nine teaspoons of refined sugar per day.*

18 *Calories from sugar-sweetened beverages provide no nutritional benefit, but they have a*  
19 *deleterious effect on public health. During the regular consumption of sugar-sweetened beverages, fat*  
20 *accumulates in the liver due to the process by which the sugar is absorbed. This leads to nonalcoholic*  
21 *fatty liver disease (NAFLD), which is associated with obesity, diabetes, and cardiovascular disease.*

22 *Consumption of one or two sugar-sweetened beverages a day is associated with a 26 percent*  
23 *increased risk of developing type 2 diabetes, as compared with occasional intake.*  
24  
25

1 More than one-third of Americans are pre-diabetic, meaning they have a higher than normal  
2 blood sugar that is not classified as diabetes, but is high enough to lead to an increased risk of  
3 developing type 2 diabetes, heart disease, and stroke.

4 As of 2010, nearly one-third (31.7%) of children and adolescents in San Francisco were either  
5 obese or overweight. In 2011-2012, 41.8 percent of adults in San Francisco were either obese or  
6 overweight, and 18 percent of three- to four- year-olds enrolled in San Francisco Head Start were  
7 obese, with an additional 13 percent being overweight. Head Start serves children of low-income  
8 families.

9 Minority and low-income families are more likely to be affected by obesity and diabetes. For  
10 example, the Bayview-Hunters Point neighborhood, which has one of the highest African-American  
11 populations in San Francisco, had more per capita emergency room visits due to diabetes between  
12 2009-2011 than any other neighborhood in San Francisco.

13 Research shows that 41 percent of California children ages 2 to 11 and 62 percent of California  
14 children ages 12 to 17 drink sugar-sweetened beverages daily, and for each sugar-sweetened beverage  
15 that a child consumes a day, the likelihood of the child becoming obese increases by 60 percent.

16 Research shows one-half of the extra calories Americans have been consuming since the 1970s  
17 could come from sugar-sweetened beverages, with the average American drinking nearly 50 gallons of  
18 sugar-sweetened beverages a year.

19 The total national cost of diabetes in 2007 was \$174 billion. Research shows that lifestyle  
20 interventions are more cost-effective than medications in preventing or delaying type 2 diabetes.

21 Assessing a tax on sugar-sweetened beverages is intended to help address the high levels of  
22 obesity, type 2 diabetes, and other diseases by reducing consumption and providing a revenue stream  
23 for City-directed and grant-funded physical activity and nutrition programs in schools, parks,  
24 community centers, and elsewhere.

1     **SEC. 552. DEFINITIONS.**

2             *Unless otherwise defined in this Article, terms that are defined in Article 6 of the Business and*  
3     *Tax Regulations Code shall have the meanings provided therein.*

4             *"Active Recreation Programs" are programs where participants are able to engage in exercise*  
5     *or physical activity.*

6             *"Beverage Container" means a closed or sealed container regardless of size or shape,*  
7     *including, without limitation, those made of glass, metal, paper, plastic, or any other material or*  
8     *combination of materials.*

9             *"Beverage Dispensing Machine" means a device that mixes Concentrate with any one or more*  
10    *other ingredients and dispenses the resulting mixture into an open container as a ready-to-drink*  
11    *beverage.*

12            *"Bottled Sugar-Sweetened Beverage" means a Sugar-Sweetened Beverage contained in a*  
13    *Beverage Container.*

14            *"Caloric Substance" means a substance that adds calories to the diet of a person who*  
15    *consumers that substance.*

16            *"Caloric Sweetener" means any Caloric Substance suitable for human consumption that*  
17    *humans perceive as sweet and includes, without limitation, sucrose, fructose, including high fructose*  
18    *corn sweetener, glucose, other sugars, and fruit juice concentrates.*

19            *"Caloric" means a substance that adds calories to the diet of a person who consumes that*  
20    *substance.*

21            *"City" means the City and County of San Francisco.*

22            *"Concentrate" means a Syrup, Powder, or Base Product that is used for mixing, compounding,*  
23    *or making Beverages in a Beverage Dispensing Machine. Notwithstanding the foregoing sentence,*  
24    *"Concentrate" does not include any of the following:*

25            (i)    *Any product that is solely used in preparing coffee or tea.*

1 (b) Any product for consumption by infants and which is commonly referred to as "infant  
2 formula" or any product whose purpose is infant rehydration.

3 (c) Any product for use for weight reduction.

4 (d) Milk.

5 (e) Any syrup, powder, or base product to which only water is added to produce a beverage  
6 containing more than 50 percent Natural Fruit Juice, more than 50 percent Natural Vegetable Juice, or  
7 more than 50 percent combined Natural Fruit Juice and Natural Vegetable Juice.

8 (f) Any product that is sold and is intended to be used for the purpose of an individual  
9 consumer mixing a Sugar-Sweetened Beverage.

10 (g) Medical Food.

11 "Consumer" means a person who purchases a Bottled Sugar-Sweetened Beverage, Sugar-  
12 Sweetened Beverages, or Concentrate for a purpose other than resale in the ordinary course of  
13 business.

14 "Controller's Baseline Budget" means the Controller's calculation of the actual amount of the  
15 City expenditures for Eligible Programs for the year July 1, 2013 through June 30, 2014.

16 "Distribution" includes:

17 (a) The sale of Bottled Sugar-Sweetened Beverages or Concentrate to a Retailer or another  
18 Distributor.

19 (b) The receipt of untaxed Bottled Sugar-Sweetened Beverages or Concentrate from an  
20 unregistered Distributor by a Retailer or another Distributor.

21 (c) The retail sale of untaxed Bottled Sugar-Sweetened Beverages, Sugar-Sweetened  
22 Beverages, or Concentrate.

23 (d) The use or consumption of untaxed Bottled Sugar-Sweetened Beverages or Concentrate  
24 by a Distributor or Retailer. For purposes of this paragraph (d), "use or consumption" includes the  
25 exercise of any right or power over Bottled Sugar-Sweetened Beverages or Concentrate incident to the

1 ownership thereof, except that it does not include the sale of such beverages or Concentrate, or the  
2 keeping or retention thereof by a Distributor or Retailer for the purpose of sale.

3 "Distributor" means any person who makes a Distribution of Bottled Sugar-Sweetened  
4 Beverages, Sugar-Sweetened Beverages, or Concentrate, whether or not that person is also a Retailer.

5 "Eligible Programs" means City-operated programs and City grants for active recreation  
6 and/or improving food access and nutrition, and San Francisco Unified School District physical  
7 education, after school physical activity, health, or nutrition programs, school lunch, and other school  
8 nutrition programs, and shall include only:

9 (a) Active recreation programs and programs that support active recreation, including,  
10 without limitation, in-school and after-school programs;

11 (b) School lunches and other school nutrition programs; and

12 (c) Programs that improve food and nutrition access and support food nutrition.

13 "Fund" is the Active Recreation, Nutrition and Public Health Fund described in Section 553.

14 "Medical Food" means medical food as defined in Section 109971 of the California Health and  
15 Safety Code, including amendments to that Section.

16 "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural milk  
17 concentrate, whether or not reconstituted, regardless of animal source, plant source, or butterfat  
18 content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source,  
19 plant source, or butterfat content.

20 "Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the liquid  
21 resulting from the reconstitution of natural fruit juice concentrate, or the liquid resulting from the  
22 restoration of water to dehydrated natural fruit juice.

23 "Natural Vegetable Juice" means the original liquid resulting from the pressing of vegetables,  
24 the liquid resulting from the reconstitution of natural vegetable juice concentrate, or the liquid  
25 resulting from the restoration of water to dehydrated natural vegetable juice.

1 "Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14  
2 (commencing with Section 32001) of the California Revenue and Taxation Code.

3 "Powder" or "Base Product" means a solid or liquid mixture of ingredients with added  
4 Caloric Sweetener used in making, mixing, or compounding Sugar-Sweetened Beverages by mixing the  
5 Powder or Base Product with any one or more other ingredients, including, without limitation, water,  
6 ice, syrup, Simple Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or other gas.

7 "Retail Sale" means the sale of Sugar-Sweetened Beverages to a Consumer.

8 "Retailer" means any person who sells Sugar-Sweetened Beverages to a Consumer, whether or  
9 not that person is also a Distributor.

10 "Sale" means the transfer of title or possession for consideration in any manner or by any  
11 means whatsoever.

12 "Simple Syrup" means a mixture of sugar and water.

13 "Sugar-Sweetened Beverage" means any nonalcoholic beverage sold for human consumption  
14 that has added Caloric Sweeteners and contains more than 25 calories per 12 ounces of beverage.  
15 Notwithstanding the foregoing sentence, "Sugar-Sweetened Beverage" does not include any of the  
16 following:

17 (a) Any product sold in liquid form for consumption by infants, which is commonly referred  
18 to as "infant formula" or any product whose purpose is infant rehydration.

19 (b) Any product sold in liquid form for use for weight reduction.

20 (c) Milk.

21 (d) Medical Food.

22 (e) Any beverage containing 50 percent or more of Natural Fruit Juice, Natural Vegetable  
23 Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

24 "Sugar-Sweetened Beverage Tax" is the tax imposed under Section 553.  
25

1 "Syrup" means the liquid mixture of ingredients used in making, mixing, or compounding  
2 Sugar-Sweetened Beverages using one or more ingredients, including, without limitation, water, ice, a  
3 powder, Simple Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or other gas.

4 "Tax" is the Sugar-Sweetened Beverage Tax.

5  
6 **SEC. 553. IMPOSITION OF TAX; DEPOSIT OF PROCEEDS.**

7 (a) For the privilege of making the first Distribution in the City of Bottled Sugar-Sweetened  
8 Beverages, Sugar-Sweetened Beverages, or Concentrate, the City imposes on every Distributor an  
9 annual Sugar-Sweetened Beverage Tax. The City intends to levy the Tax only on the first Distribution  
10 in the City. The Treasurer-Tax Collector is authorized and directed to adopt such rules, regulations,  
11 and interpretations to ensure that the City's collection of the Tax is consistent with this policy.

12 (b) The Tax shall be calculated as follows:

13 (1) Two cents (\$0.02) per fluid ounce of Bottled Sugar-Sweetened Beverage  
14 distributed in the City.

15 (2) Two cents (\$0.02) per fluid ounce of Sugar-Sweetened Beverage distributed in  
16 the City.

17 (3) Two cents (\$0.02) per fluid ounce of Sugar-Sweetened Beverages that could be  
18 produced from Concentrate distributed in the City. For purposes of calculating the Tax for  
19 Concentrate, the Tax shall be calculated using the largest volume of Sugar-Sweetened Beverage that  
20 could result from the use of the Concentrate according to any manufacturer's instructions.

21 (c) All monies collected pursuant to the Sugar-Sweetened Beverage Tax shall be deposited  
22 to the credit of the Active Recreation, Nutrition and Public Health Fund. The Fund shall be maintained  
23 separate and apart from all other City and County funds and shall be appropriated by annual or  
24 supplemental appropriation.

1 **SEC. 554. REGISTRATION OF DISTRIBUTORS AND RETAILERS; DOCUMENTATION.**

2 (a) Each Distributor and Retailer shall register with the Tax Collector.

3 (b) Each Distributor and Retailer shall include the following information on each receipt,  
4 invoice, or other form of accounting for the distribution of Bottled Sugar-Sweetened Beverages or  
5 Concentrate:

6 (1) The name and address of the Distributor;

7 (2) The name and address of the purchaser;

8 (3) The date of sale and invoice number;

9 (4) The kind, quantity, size, and capacity of packages of Bottled Sugar-Sweetened  
10 Beverages, Sugar-Sweetened Beverages, or Concentrate sold;

11 (5) The amount of Sugar-Sweetened Beverage Tax due from the Distributor or  
12 Retailer on the sale of Bottled Sugar-Sweetened Beverages, Sugar-Sweetened Beverages, or  
13 Concentrate; and

14 (6) Any other information required by the Tax Collector.

15 (c) Every Distributor and Retailer shall keep and preserve all such records as the Tax  
16 Collector may require for the purpose of ascertaining and determining compliance under this Article 8.

17  
18 **SEC. 555. EXEMPTIONS.**

19 [Reserved.]

20  
21 **SECTIONS 556-559.**

22 [Reserved]



1     SEC. 560 EXPENDITURE OF PROCEEDS.

2             (a) Monies in the Fund shall be used exclusively for the purposes specified in this Article 8.  
3     Subject to the budgetary and fiscal provisions of the City Charter, monies in the Fund shall be  
4     appropriated on an annual basis to the following departments and used solely for the following  
5     purposes:

6             (1) Administrative Costs. Up to two percent of the proceeds of the Tax to the Tax  
7     Collector for administration of the Tax.

8             (2) Refunds of any overpayments of the Tax imposed under this Article 8.

9             (3) Funding of Eligible Programs that are "New Programs," as defined in this  
10    Section 560, in the following proportions:

11            (A) One-third to the Recreation and Park Department for active recreation  
12    programs; provided, further, that up to ten percent of this one-third may be allocated by the Recreation  
13    and Park Department to community-based organizations for active recreation programs;

14            (B) One-third to the San Francisco Unified School District for physical  
15    education, after school physical activity, health, or nutrition programs, school lunches, and other  
16    school nutrition programs; provided, further, that monies allocated under this subsection shall not be  
17    counted toward meeting the funding requirements imposed by The Arts, Music, Sports, and Pre-School  
18    for Every Child Amendment of 2003 (Charter Sec. 16.123-1 et seq.); and

19            (C) One-third to be divided in any proportion between the Department of  
20    Public Health, for physical activity programs and programs that improve food nutrition and food  
21    access, and the Department of Children, Youth & Their Families, for programs that support active  
22    recreation and food nutrition.

23            Should any of the above entities cease to exist, or if Eligible Programs are transferred from any  
24    of these to another department or agency, then the Mayor and the Board of Supervisors are authorized  
25    to expend the proceeds of this Tax to any agency or entity that is a successor to that department or

1 agency and that operates Eligible Programs, or to an agency or entity to which those Eligible  
2 Programs are transferred, for expenditures that would otherwise be authorized under this ordinance.

3 (b) Any balance remaining in the Fund at the close of any fiscal year shall be deemed to  
4 have been provided for a specified purpose within the meaning of Section 9.113(a) of the Charter and  
5 shall be carried forward and accumulated in the Fund for the purposes and goals recited in this  
6 Article 8.

7 (c) Goals. The goals of expenditures from the Fund shall be to:

8 (1) Promote active recreation, health, nutrition, and food access programs among  
9 all San Francisco residents; and

10 (2) Improve physical activity, health, and nutrition programs in the San Francisco  
11 Unified School District.

12 Special consideration for expenditures from the Fund shall be given to communities that are  
13 disproportionately affected by diseases related to Sugar-Sweetened Beverage consumption, including  
14 obesity, diabetes, and coronary disease, as measured by the most recent data available to the  
15 Department of Public Health.

16 (d) New Programs. Except as otherwise specified in this Article 8, the Fund shall be used  
17 exclusively to increase the aggregate City appropriations and expenditures for those programs that are  
18 eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this  
19 end, monies in the Fund shall be used exclusively to fund Eligible Programs above and beyond the  
20 expenditures made for Eligible Programs under the Controller's Baseline Budget ("New Programs").  
21 Monies from the Fund shall not be appropriated or expended to replace levels of expenditures that are  
22 included in the Controller's Baseline Budget, whether or not the cost of such Eligible Programs  
23 increases. Nor shall monies from the Fund be appropriated or expended for services that substitute for  
24 or replace services included or partially included in the Controller's Baseline Budget, except and

1 solely to the extent that the City ceases to receive federal, state or private agency funds that the funding  
2 agency required to be spent only on those Eligible Programs.

3 Notwithstanding the preceding paragraph, programs eligible for Fund assistance ("excluded  
4 programs") shall not include:

5 (1) Any program for which a fixed or minimum level of expenditure is mandated by  
6 state or federal law, to the extent of the fixed or minimum level of expenditure;

7 (2) Acquisition of any capital item not for primary and direct use of participants in  
8 an Eligible Program;

9 (3) Acquisition (other than by lease for a term of years of ten years or less) of any  
10 real property; or

11 (4) Maintenance, utilities or any similar operating costs of any facility not used  
12 primarily and directly by participants in eligible programs, or a library, hospital, or any recreation or  
13 park facility that is a zoo.

14 (e) Baseline. No Funds shall be expended in any fiscal year following a fiscal year in which  
15 the amounts expended for Eligible Programs (not including appropriations from the Fund and  
16 exclusive of expenditures mandated by state or federal law) is below the amount expended in the  
17 Controller's Baseline Budget, as adjusted in the manner provided in the following paragraph (the  
18 "Base Amount"). All funds unexpended in accordance with the preceding sentence shall be held in the  
19 Fund and may be expended in any future fiscal year in which other expenditures from the Fund may be  
20 made.

21 The Base Amount shall be adjusted for each fiscal year after the base year by the Controller  
22 based on calculations consistent from fiscal year to fiscal year by the percentage increase or decrease  
23 in aggregate City discretionary revenues. In determining aggregate City discretionary revenue, the  
24 Controller shall only include revenues received by the City that are unrestricted and may be used at the  
25 option of the Mayor and the Board of Supervisors for any lawful City purpose. The method used by the

1 Controller to determine discretionary revenues shall be consistent with the method used by the  
2 Controller to determine the Library and Children's Fund baseline calculations, as provided in Charter  
3 Section 16.108(g). Errors in the Controller's estimate of discretionary revenues for a fiscal year shall  
4 be corrected by an adjustment in the next year's estimate. Within 90 days following the end of each  
5 fiscal year, the Controller shall calculate and publish the actual amount of City expenditures for  
6 programs that would have been eligible to be paid from the Fund but are paid from other sources,  
7 separately identifying expenditures mandated by state or federal law.

8  
9 **SEC. 561. OVERSIGHT COMMITTEE.**

10 (a) There is hereby established an Active Recreation and Nutrition Oversight Committee  
11 ("the Committee") that shall consist of nine members, each appointed by the Board of Supervisors to a  
12 three-year term, to serve at the pleasure of the Board of Supervisors. The three-year term for each  
13 member shall commence as of the date that five members are appointed to the Committee, which is  
14 when the Committee may begin its work.

15 (b) Membership of the Committee shall be comprised as follows:

16 (1) At least one member of the Committee shall be a parent.

17 (2) At least one member of the Committee shall be under the age of 18 at the time of  
18 appointment.

19 (3) At least one member of the Committee shall reside in a district that is  
20 disproportionately affected by obesity or diabetes, as measured by the most recent data available to the  
21 Department of Health.

22 (4) For each of the following areas, there shall be at least one Committee member  
23 with professional and/or volunteer expertise in that area: parks and recreation, school nutrition,  
24 public health, working with vulnerable populations, and physical education.

1           (c) Members of the Committee shall serve without pay, but may be reimbursed for expenses  
2 actually incurred. The City Administrator shall provide clerical assistance and support to the  
3 Committee, and the Controller shall provide it with technical assistance. All City departments, boards,  
4 and commissions shall reasonably assist and cooperate with the Committee.

5           (d) The Committee shall meet at least once per quarter.

6           (e) The Committee shall advise and make recommendations to the Mayor, Board of  
7 Supervisors, and City departments receiving monies from the Fund, on the use and expenditure of  
8 monies from the Fund consistent with the findings, purpose, and goals stated in this Article 8.

9  
10 **SEC. 562. ADMINISTRATION OF THE TAX; CONTROLLER'S REPORT.**

11           (a) Except as otherwise provided under this Article, the Sugar-Sweetened Beverage Tax  
12 shall be administered pursuant to Article 6 of the Business and Tax Regulations Code.

13           (b) The Controller shall file annually with the Board of Supervisors, within 90 days  
14 following the end of each fiscal year, a report containing both of the following:

15                   (1) The amount of funds collected and expended, and the allocation of expenditures  
16 from the Fund, during the prior fiscal year.

17                   (2) The status of any Eligible Program required or authorized to be funded under  
18 this Article 8.

19                   (3) Such other information as the Controller, in the Controller's sole discretion,  
20 shall deem relevant to the operation of this Article 8.

21  
22 **SEC. 563. AMENDMENT OF ARTICLE.**

23           The Board of Supervisors may amend or repeal Article 8 of the Business and Tax Regulations  
24 Code without a vote of the people except as limited by Article XIII C of the California Constitution.

1     **SEC. 564. SEVERABILITY.**

2             *If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason*  
3     *held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not*  
4     *affect the validity of the remaining portions of the ordinance. The people of the City and County of*  
5     *San Francisco hereby declare that they would have passed this ordinance and each and every section,*  
6     *subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard*  
7     *to whether any other portion of this ordinance would be subsequently declared invalid or*  
8     *unconstitutional.*

9  
10            Section 3. Effective Date and Operative Date. The effective date of this ordinance  
11    shall be ten days after the date the official vote count is declared by the Board of Supervisors.  
12    This ordinance shall become operative on January 1, 2015.

13  
14    APPROVED AS TO FORM:  
15    DENNIS J. HERRERA, City Attorney

16    By: \_\_\_\_\_  
17        Carole F. Ruwart  
18        Deputy City Attorney

19    n:\egana\as2013\1300530\00881357.doc  
20  
21  
22  
23  
24  
25



[Interim Zoning Controls - Residential Uses in Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets]

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use; and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning controls to accomplish several objectives, including preservation of areas of mixed residential and commercial uses and preservation of the City's rental housing stock; and

WHEREAS, Planning Code Section 320 provides that the creation of 25,000 square feet or more of additional office space shall be subject to the office cap and other requirements of Section 320 et seq. ("Proposition M"); and



1 WHEREAS, Proposition M defines "preexisting office space" as "office space used  
2 primarily and continuously for office use and not accessory to any use other than office use for  
3 five years prior to Planning Commission approval of an office development project which  
4 office use was fully legal under the terms of San Francisco law"; and

5 WHEREAS, There is evidence that preexisting office space has been abandoned and  
6 converted to residential use in multiple buildings in the area of San Francisco bounded by  
7 Market Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on  
8 the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street,  
9 and South Van Ness north to Market; and

10 WHEREAS, Under the Planning Code, reestablishment of an office use that has been  
11 abandoned for five years is considered a new office use subject to Planning Commission  
12 Proposition M authorization, payment of associated development impact fees, and other  
13 applicable requirements of the Planning Code; and

14 WHEREAS, Since San Francisco has long had a housing shortage, the housing market  
15 continues to be tight and housing costs are beyond the reach of many households, this Board  
16 wants to preserve existing residential uses in commercial spaces until such time as the  
17 Planning and Building Department can conduct a study of the number of buildings that have  
18 been converted without benefit of permit and the Planning Department can propose  
19 permanent legislation; and

20 WHEREAS, This Board has considered the impact on the public health, safety, peace,  
21 and general welfare if the proposed interim controls are not imposed; and

22 WHEREAS, This Board has determined that the public interest will best be served by  
23 imposition of these interim controls at this time in order to ensure that the legislative scheme  
24 which may ultimately be adopted is not undermined during the planning and legislative  
25 process for permanent controls; and

1 WHEREAS, The Planning Department has determined that the actions contemplated in  
2 this Resolution are in compliance with the California Environmental Quality Act (California  
3 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
4 the Board of Supervisors in File No. 131068 and is incorporated herein by reference; now,  
5 therefore, be it

6 RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors  
7 by this Resolution hereby requires that during the pendency of these interim controls, a  
8 building permit for a commercial building in the area of San Francisco bounded by Market  
9 Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on the  
10 south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and  
11 South Van Ness Street north to Market Street shall not be issued pending the Planning  
12 Department's determination that the commercial space has not been converted to any  
13 residential use; and, be it

14 FURTHER RESOLVED, That during the pendency of these interim controls, the  
15 reestablishment of any commercial use that has been converted to residential use shall  
16 require Planning Commission approval through either a Proposition M authorization or a  
17 conditional use; and, be it

18 FURTHER RESOLVED, That a permit to address a life/safety issue in the subject  
19 building shall not be subject to these interim controls; and, be it

20 FURTHER RESOLVED, That within 60 days of the adoption of this Resolution, the  
21 Planning Department and the Department of Building Inspection shall conduct a study of the  
22 number of buildings that have converted space from commercial to residential in the area  
23 subject to these interim controls and submit a joint report to the Board of Supervisors,  
24 Planning Commission, and Building Inspection Commission; and, be it  
25

1 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve  
2 (12) months unless further extended or until the adoption of permanent legislation, whichever  
3 shall first occur; and, be it

4 FURTHER RESOLVED, That these interim controls are not in conflict with and hence  
5 are consistent with the Priority Policies of Planning Code Section 101.1.

6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: \_\_\_\_\_  
9 JUDITH A. BOYAJIAN  
Deputy City Attorney

10 n:\eganalas2013\1400202\00883020.doc  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



SMALL BUSINESS COMMISSION  
Legislation and Policy Committee  
DRAFT Meeting Minutes



Monday, November 18, 2013

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

*Meeting immediately followed the Small Business Commission meeting at 2:00 PM in Room 416*

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

**1. Call to order and roll call.**

The meeting was called to order at 4:41 PM. Commissioners Adams, Ortiz-Cartagena, and Yee Riley were present.

**2. Approval of minutes from the October 28, 2013 meeting. (Action Item)**

Explanatory Documents: Draft minutes from the October 28, 2013 meeting

Motion: Commissioner Yee Riley motioned to adopt as drafted the meeting minutes.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

**3. General Public Comment. (Discussion Item)**

General Public Comment was called for and no members of the public requested to speak.

**4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131023 [Planning Code - Establishing the Excelsior Outer Mission Street Neighborhood Commercial District]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131023; BOS File No. 131023 Legislative Digest

Director Dick-Endrizzi provided the committee an overview of the legislation.

Commissioner Ortiz-Cartagena inquired about what changes were in this legislation, and specifically asked whether medical cannabis dispensaries (MCDs) and sweepstakes centers were to be regulated.

Commissioner Adams asked whether there were any changes to alcohol regulations.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Yee Riley motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Adams

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, ROOM 110

SAN FRANCISCO, CA 94102

415.554.6134 (PHONE)

415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

LUKE O'BRIEN

WILLIAM ORTIZ-CARTAGENA

IRENE YEE RILEY

MONETTA WHITE

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131059 [Planning Code - Allowing Certain Non-Conforming Structures to be Rebuilt Under Certain Conditions].** (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131059

Acting Commission Secretary Murdock provided the committee an overview of the legislation.

Commissioner Adams expressed his support of this item since it simply involves the replacement of previously existing buildings.

Commissioner Yee Riley expressed her support of this item since it will help to minimize vacancies in the event of a disaster.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Yee Riley motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Adams

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

6. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131062 [Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots].** (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131062; BOS File No. 131062 Legislative Digest

Acting Commission Secretary Murdock provided the committee an overview of the legislation.

Commissioner Ortiz-Cartagena inquired about the purpose of this legislation, and indicated he perceives it is intrusive on operators. He asked whether this legislation has been vetted by Local 665 and whether it conflicts with its collective bargaining agreement (CBA).

Commissioner Adams expressed that he was uncomfortable with the requirements placed on parking operators by this legislation.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to rehear this item at the next Legislation & Policy Committee meeting with a presentation from the legislative sponsor.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

7. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131064 [Planning Code - Definition of Bona Fide Eating Place].** (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131064

Acting Commission Secretary Murdock provided the committee an overview of the legislation.

Commissioner Adams supports this proposal.

Commissioner Ortiz-Cartagena inquired about any potential unforeseen consequences, especially in lower income neighborhoods. Acting Commission Secretary Murdock explained there are some concerns that this will make it easier for certain businesses to operate more like bars rather than restaurants, without the proper type of review for neighborhood impacts from a bar.

Commissioner Yee Riley asked how the food revenue figure in the legislation was determined. Acting Commission Secretary Murdock explained the revenue figure in the legislation is a point of contention for some that have reviewed the legislation, as it is not clear how it was derived and whether it is appropriate for all restaurant types.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

**8. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131065 [Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Recreation Programs]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131065; BOS File No. 131065 Legislative Digest

Director Dick-Endrizzi provided the committee an overview of the legislation.

Commissioner Adams opposes this item, and sees it as another layer of paperwork burden on small businesses. The full Commission needs to weigh-in on this proposal.

Commissioner Ortiz-Cartagena is afraid this will have a disproportionate economic impact on low income areas, or will negatively impact certain cultural drinks such as *horchata*. He also asked if there was a way to target this only to formula retail and fast food operators, to minimize impacts on small businesses.

Commissioner Yee Riley believes people should have a choice of what to drink, and is concerned this tax may drive consumers to purchase from non-San Francisco retailers such as Costco in South San Francisco.

Acting Commission Secretary Murdock reminded the commissioners that this is an initiative ordinance that must go before the voters if passed by the Board of Supervisors. Therefore, the Commission's role at this stage is to influence the language of the potential ballot measure.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to forward this item to the Small Business Commission with no changes.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

**9. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131068 [Interim Zoning Controls - Residential Uses in Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131068

Director Dick-Endrizzi provided the committee an overview of the legislation.

Commissioner Adams supports this item and its prevention of residential displacement.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to not forward this item to the full Small Business Commission.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

**10. Review and discussion of SBC/OSB projects and assignments to the Committee. (Discussion Item)**

No report.

**11. Commissioner Reports. (Discussion Item)**

No reports.

**12. New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion and Possible Action Item)

No new business.

**13. Adjournment. (Action Item)**

Motion: Commissioner Ortiz-Cartagena motioned to adjourn.

2nd: Commissioner Yee Riley

Aye: Adams, Ortiz-Cartagena, Yee Riley

Nay: None

The meeting was adjourned at 5:19 PM.





SMALL BUSINESS COMMISSION

Legislation and Policy Committee

Notice of Meeting & Agenda



Monday, January 13, 2014

3:30 P.M.

CITY HALL, ROOM 34

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

DOCUMENTS DEPT

JAN 10 2014

SAN FRANCISCO PUBLIC LIBRARY

1. **Call to order and roll call.**
2. **Approval of minutes from the November 18, 2013 meeting.** (Action Item)  
Explanatory Documents: Draft minutes from the November 18, 2013 meeting
3. **General Public Comment.** (Discussion Item)
4. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131062 [Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]:** Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots or parking garages. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131062; BOS File No. 131062 Legislative Digest

Presentation by Andres Power, Legislative Aide to Supervisor Scott Wiener

5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131192 [Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]:** Ordinance amending the Police Code to require employers and housing providers to limit the use of criminal history information, and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131192

Presentation by Ivy Lee, Legislative Aide to Supervisor Jane Kim

6. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131120 [Planning Code, Zoning Map - Broadway Alcohol Restricted Use District]:** Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 (PHONE)  
415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR



Explanatory Documents: BOS File No. 131120; BOS File No. 131120 Legislative Digest

7. **Review and discussion of SBC/OSB projects and assignments to the Committee.** (Discussion Item)
8. **Commissioner Reports.** (Discussion Item)
9. **New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion and Possible Action Item)
10. **Adjournment.** (Action Item)

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call the Office of Small Business at (415) 554-6134 to make arrangements for pick up or review.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



## Legislation for Commission Review

BOS File No: 131062

Title: Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots

---

### Legislation Overview:

Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots or parking garages.

Sponsor(s): Scott Wiener; Malia Cohen

Date Introduced: 10/29/2013

Date Referred: N/A

### Description:

This legislation would amend the list of information required to be provided on applications by new and renewing commercial parking operators. Commercial parking permits are reviewed and approved by the Chief of Police. A commercial parking permit applicant already must provide a variety of information about its owner(s), facility layout and operating characteristics, and insurance coverage, among other items. Additionally, an applicant must submit a list of all employees or other individuals working or proposed to work at a parking facility, along with their hours and duties of employment, and an owner declaration of whether those employees or individuals have been convicted, pled guilty, or pled no contest to a covered crime within the preceding 10 years. Covered crimes are defined, below.

To the list of information required to be provided regarding employees or individuals working at a commercial parking facility, this legislation proposes to add the following:

- 1) How long the individual has been employed by the applicant;
- 2) A list of the residential ZIP codes of the individuals, along with number of individuals residing within each ZIP code, without identifying by-name an individual's ZIP code;
- 3) The total number of males and total number of females working or proposed to work at the parking facility.

*Covered crimes:* As defined in Police Code Section 1215(a), covered crimes include "The crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a vehicle identification, tax fraud or evasion, and any offense related to the use of alcohol, narcotics or controlled substances while operating or in connection with a vehicle, committed anywhere in the United States of America."

### Key Questions:

- 1) What is the underlying purpose of this legislation?
  - a. If the intent is to target a subset of parking operators believed to be in violation of labor laws, what is preventing a more direct investigation and appropriate action, as warranted?
- 2) What is the purpose and need to identify individuals by ZIP code?
- 3) What is the purpose and need to identify individuals by gender?
- 4) Has this legislation has been vetted by Local 665 to determine whether it will cause conflicts with its collective bargaining agreement (CBA)?

## **Legislation for Commission Review**

BOS File No: 131062

Title: Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots

---

- 5) In light of the introduction of BOS File No. 131192 [Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions], has the legislative sponsor considered the appropriateness of also amending Police Code Section 1215.1's use of criminal conviction history? This is but one example of a Police Code requirement related to conviction history, but it is the only one running concurrently with File No. 131192.

### **Staff Assessment:**

Commercial parking operators will incur an additional recordkeeping and reporting burden as a result of this legislation. However, the burden is expected to be minimal, and additional costs to commercial parking operators should be negligible. The employee data requested should already be on-file with each operator, and the reporting burden will be limited to consolidating and summarizing it in the City's requested format. Preparation of the requested data should occur no more frequently than once per year, as the Police Department issues commercial parking permits with annual renewal requirements.

The reporting requirements proposed by this legislation are part of a broader effort to gather data for analysis of commercial parking operations. The City is seeking a better understanding of the labor practices of commercial parking operators, including the extent of their compliance with employer mandates and labor standards. This legislation was developed in conjunction with ongoing research being conducted by the Board of Supervisors' Budget and Legislative Analyst.

### **Departments/Organizations to Consult:**

Office of Labor Standards and Enforcement

### LEGISLATIVE DIGEST

[Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]

**Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots and parking garages.**

#### Existing Law

Existing law requires entities or individuals wishing to operate a commercial parking garage or commercial parking lot to apply annually to the Chief of Police. The application must include certain information such as a list of all people working at the parking garage or parking lot or whom the applicant proposes for employment or work at the parking garage or parking lot.

#### Amendments to Current Law

This Ordinance would require applicants for commercial parking garages and commercial parking lots to supply, as part of their annual application, the following additional information: (1) how long each employee has been employed by the applicant; (2) a list of the residential zip codes of all people working at the parking garage or parking lot, or whom the applicant proposes for employment at the parking garage or parking lot, along with the number of individuals that live in each zip code; and (3) the total number of males and the total number of females working at the parking garage or parking lot, or whom the applicant proposes for employment at the parking garage or parking lot.



[Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]

Ordinance amending the Police Code to require applicants for commercial parking permits to provide the residential zip code, gender, and duration of employment for employees and other individuals working in parking lots or parking garages.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~striketrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~striketrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Police Code is hereby amended by revising Section 1215.1, to read as follows:

**SEC. 1215.1. APPLICATION FOR PERMIT.**

(a) Application Requirements. An applicant for a commercial parking permit shall use the application form the Chief of Police provides, and shall supply the following information:

(1) The applicant's business name and address, and the address of the parking garage or parking lot for which the applicant seeks a commercial parking permit;

(2) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any commercial parking permit the Chief of Police issues;

(3) The names and residence addresses of every officer and partner of the applicant and every person with 10 percent or larger ownership interest in the applicant;



1           (4) The name and residence address of the individual whom the applicant has  
2 authorized to manage, direct, or control the operations of the parking garage or parking lot for  
3 which the applicant seeks a commercial parking permit;

4           (5) For all individuals listed in subsections (2) through (4), a list of each conviction  
5 of or plea of guilty or no contest to a covered crime in the ten years preceding the application,  
6 including the nature of the offense and the place and date of the conviction or plea;

7           (6) If the applicant does not own the building, structure or space where the parking  
8 garage or parking lot for which the applicant seeks a commercial parking permit operates or  
9 will operate, the name, business address and contact information of the owner, and  
10 documentation demonstrating the nature of the applicant's interest in the building, structure or  
11 space;

12           (7) A copy of a current and valid business registration certificate that the Office of  
13 the Treasurer and Tax Collector has issued to the applicant under Business and Tax  
14 Regulations Code Section 853. The name on the business registration certificate must match  
15 the name of the applicant on the application for the commercial parking permit;

16           (8) A copy of a current and valid certificate of authority for the parking garage or  
17 parking lot for which the applicant seeks a commercial parking permit that the Office of the  
18 Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations  
19 Code Section 6.6-1, or documentation demonstrating that the applicant has applied to the  
20 Office of the Treasurer and Tax Collector for a certificate of authority for the parking garage or  
21 parking lot for which the applicant seeks a commercial parking permit and has obtained the  
22 bond required for that certificate. The name on the certificate of authority or on the application  
23 for a certificate of authority and bond must match the name of the applicant on the application  
24 for the commercial parking permit;

1 (9) A copy of plans for the parking garage or parking lot for which the applicant  
2 seeks a commercial parking permit. The plans must include the name and business address  
3 of the applicant; the address of the parking garage or parking lot; the name and business  
4 address of the owner of the building, structure or space where the garage or lot is located, if  
5 the applicant is not the owner; all pedestrian and vehicular entrances and exits to the garage  
6 or lot; the dimensions and types of construction of all structures, fences or other  
7 improvements; and any features that may affect street traffic;

8 (10) The total motor vehicle capacity of the parking garage or parking lot for which  
9 the applicant seeks a permit, including the number of designed spaces and the motor vehicle  
10 capacity of all undesignated areas the applicant could use for overflow parking;

11 (11) Certificates of insurance and endorsements evidencing insurance in the  
12 amounts and coverages the Chief of Police sets under Section 1215.4(b);

13 (12) A list of all employees or other individuals working at the parking garage or  
14 parking lot, or whom the applicant proposes for employment or work at the parking garage or  
15 parking lot including for each individual the hours and duties of employment and the how long the  
16 individual has been employed by the applicant;

17 ~~(13) and a~~ A declaration signed by the applicant under penalty of perjury certifying  
18 that the applicant has verified that in the preceding ten years, none of the employees or other  
19 individuals has been convicted of or ~~plead~~ pled guilty or no contest to a covered crime, or for  
20 any employee or other individual who has been convicted of or ~~plead~~ pled guilty or no contest  
21 to a covered crime in the preceding ten years, written authorization from the Chief of Police  
22 under Section 1215.6(b) allowing the employee or individual to work at the parking garage or  
23 parking lot;

24 (14) A list of the residential zip codes of all employees or other individuals working at the  
25 parking garage or parking lot, or whom the applicant proposes for employment or work at the parking

1 garage or parking lot, along with the number of individuals that live in each zip code. This list shall  
2 not identify which individuals reside in which zip codes. For purposes of this subsection, the term  
3 "residential zip code" shall mean the zip code where the individual primarily resides;

4 (15) The total number of males and the total number of females working at the parking  
5 garage or parking lot, or whom the applicant proposes for employment or work at the parking garage  
6 or parking lot;

7 ~~(13-16)~~ The proposed design of the identification badge for employees or other  
8 individuals working at the parking garage or parking lot for which the applicant seeks a permit;

9 ~~(14-17)~~ A security plan for the parking garage or parking lot. The security plan  
10 must specify the hours of operation for the parking garage or parking lot and meet the  
11 requirements set in Section 1215.2(c). The security plan shall include a certification from the  
12 applicant that the applicant shall operate the parking garage or parking lot in compliance with  
13 the security plan for the duration of any commercial parking permit issued by the Chief of  
14 Police;

15 ~~(15-18)~~ The name and address of the person authorized to accept service of  
16 process for the applicant; and

17 ~~(16-19)~~ Any other information that the Chief of Police finds reasonably necessary  
18 to investigate the application.

19  
20 Section 2. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JOSHUA S. WHITE  
Deputy City Attorney

n:\legan\as2013\1400136\00876913.doc



## Legislation for Commission Review

BOS File No: 131192

Title: Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions

---

### Legislation Overview:

Ordinance amending the Police Code to require employers and housing providers to limit the use of criminal history information, and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.

Sponsor(s): Kim, Cohen, Avalos, Campos, Chiu, Mar

Date Introduced: 12/10/2013

Date Referred: N/A

### Description:

This legislation would apply limitations on employers, housing providers, and city contractors and subcontractors related to their inquiries about and use of criminal history information when making employment and housing decisions. Given the purview of the Small Business Commission, this legislative summary will not address housing providers (except in certain contexts from a small business perspective), but will instead focus primarily on employers. It should be assumed that the same limitations and requirements applying to employers shall also apply to contractors and subcontractors, except where an exception is noted. The same assumption should not be made regarding housing providers, although the legislation generally treats all three groups in a substantially similar manner.

-----

### OVERVIEW

The legislation seeks to address the problem of recidivism and its associated criminal justice and societal costs by facilitating the successful reintegration into society of persons with arrest and conviction records. It would attempt to accomplish this by preventing the automatic exclusion of those with prior arrests and convictions from accessing suitable employment and housing. The specific provisions therein were developed after extensive meetings between the legislative sponsor and business groups, criminal justice experts, community advocates, and others. Participants included San Francisco Chamber of Commerce, Small Property Owners of San Francisco, African-American Chamber of Commerce, Lawyers Committee for Civil Rights, Public Defender, District Attorney, and Commissioner Ortiz-Cartagena.

The legislation would become operative 180 days from enactment, and shall only allow prospective claims (those occurring after the operative date).

-----

### APPLICABILITY

In general terms, the legislation regulates two major elements of the hiring and promotional processes: 1) When an employer may inquire into past arrests and convictions, including which types of arrests and convictions may be subject to inquiry; and, 2) How an employer may use information of past arrests and convictions when making employment decisions.

Employers with 20 or more employees, regardless of the employees' locations, with one or more employees within San Francisco, would be subject to this legislation for applicants and current employees applying to work or working within San Francisco. Contractors and subcontractors performing under agreements with and within the City valued greater than \$5,000 would also be subject to the legislation.

The definition of *employer* includes job placement and referral agencies, but does not include the City or any other unit of government (the City has its own policies on background checks and conviction

## Legislation for Commission Review

BOS File No: 131192

Title: Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions

---

history). Property developers and property managers shall be subject to the legislation when making housing decisions related to affordable housing financed in any part with City funding.

The definition of *employment* is written broadly in this legislation, as follows:

Any occupation, vocation, job, or work, including but not limited to temporary or seasonal work, part-time work, contracted work, contingent work, work on commission, and work through the services of a temporary or other employment agency, or any form of vocational or educational training with or without pay. The physical location of the employment or prospective employment of an individual as to whom Section 4904 applies must be in whole, or in substantial part, within the City.

-----

### INQUIRIES RELATED TO ARREST AND CONVICTION HISTORY

The legislation prescribes when in the hiring process and about which types of arrests and convictions an employer may inquire. It distinguishes between two categories of past arrests and convictions when regulating the type and timing of background inquiries. In the first category, arrests and convictions that are of a certain age, have been “dismissed” or “expunged,” or for which sentencing included a diversionary program, may not be inquired about and may not be considered in any employment-related decisions:

“... an employer shall not, at any time or by any means, inquire about, require disclosure of, or if such information is received base an Adverse Action in whole or in part on [any of the following]:

- 1) An Arrest not leading to a Conviction, excepting under circumstances identified in this Section an Unresolved Arrest;
- 2) Participation in or completion of a diversion or a deferral of judgment program;
- 3) A Conviction that has been judicially dismissed, expunged, voided, invalidated, or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code sections 1203.4, 1203.4a, or 1203.41;
- 4) A Conviction or any other determination or adjudication in the juvenile justice system, or information regarding a matter considered in or processed through the juvenile justice system; or
- 5) A Conviction that is more than seven years old, the date of Conviction being the date of sentencing.”

This provision eliminates an employer’s ability to make hiring or promotional decisions based on prior arrests or convictions of these types. An employer may not ask about these types of arrests or convictions at any point during the hiring process and, if it learns about them subsequent to a pre-hiring background check, may not alter its hiring decision as a result.

The second category includes prior arrests or convictions not covered by one of the five specified exceptions. For such arrests and convictions, an employer may inquire about and base employment decisions upon them, but not before the first live interview, or at the employer’s discretion, after a conditional offer of employment. A “live interview” includes an in-person, telephone, videoconference, or similar interaction.

-----

### USE OF ARREST AND CONVICTION HISTORY

Beyond simply regulating the process for obtaining arrest and conviction history information, the legislation would also regulate the manner in which such information may be used for hiring and promotional decisions. It specifies in Section 4904(f) that

“in making an employment decision based on an applicant’s or employee’s Conviction History, an Employer shall conduct an individualized assessment, considering only Directly-Related Convictions,

the time that has elapsed since the Conviction or Unresolved Arrest, and any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.”

Adverse employment actions may only be based on directly-related convictions, meaning those convictions with a direct and specific negative bearing on a person’s ability to perform the duties related to the employment position. The employer must consider whether the position offers the opportunity or circumstances for the same or similar crime to be committed. The legislation also requires an employer to consider any evidence submitted by an applicant claiming inaccuracy of the information, personal rehabilitation that has occurred, or other mitigating factors. If, after deliberation as specified in the legislation, an employer still takes an adverse employment action based upon arrest or conviction history, the employer must furnish an applicant with a copy of a questionnaire summarizing the review process and decision made. The questionnaire shall be on a form supplied by the City’s Office of Labor Standards Enforcement (OLSE).

-----

#### MISCELLANEOUS PROVISIONS – NOTICES AND ADVERTISING

In addition to governing the inquiry into and authorized uses of arrest and conviction histories, the legislation has several other miscellaneous provisions. It requires certain notifications by an employer to an applicant throughout the process, including:

- 1) Prior to any conviction history inquiry, a Section 4905(b) notice from OLSE (similar to other common employer notices);
- 2) Prior to obtaining a copy of a background check report, a notice that such a report is being sought;
- 3) Upon obtaining a background check report, a notice of the right to provide evidence of inaccuracy, rehabilitation, or other mitigating factors regarding any arrests or convictions in the report, along with the deadline for submitting the evidence, pursuant to Section 4904.

Two additional related provisions govern employer advertising for employment opportunities. The first prohibits employer advertising that directly or indirectly expresses that any person with an arrest or conviction history will not be considered for employment or may not apply for employment. The second requires that all solicitations or advertisements likely to reach persons whose future employment would be within San Francisco to state that the employer will consider for employment qualified applicants with criminal histories in a manner consistent with the legislation.

-----

#### ENFORCEMENT

Enforcement of this legislation is intended to be primarily administrative. The OLSE is charged with oversight responsibilities, including investigation and citation, as well as developing an outreach and education plan upon the legislation’s adoption. Violations are limited to procedural missteps by an employer, not the validity of a *bona fide* business reason for taking an adverse action.

An applicant or employee must lodge a complaint within 60 days of the suspected violation, upon which OLSE may initiate an investigation. Employers may appeal adverse determinations to a hearing before a hearing officer whose determination shall be final. Further appeals must be filed in San Francisco Superior Court.

Penalties are structured in three tiers. A warning and notice to correct shall be issued, and technical assistance provided to aid with compliance, upon any violation (initial or subsequent) within the first 12 months the legislation is in effect. After that, all initial violations shall receive the same warning, notice, and assistance. Second violations (beyond the initial 12 month period) shall subject an employer to a maximum \$50 penalty per violation for each applicant or employee the violation involved, payable to the City. For third and subsequent violations, the penalty amount shall increase to no more than \$100. In



## Legislation for Commission Review

BOS File No: 131192

Title: Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions

---

cases where multiple applicants or employees were affected by the same procedural violation at the same time (as with a mass recruitment for a single position where an employer asked for conviction history), the multiple violations shall be treated as a single violation. Funds collected from penalties will be used to offset the costs of implementing and enforcing the legislation.

The OLSE may refer cases where prompt compliance is not forthcoming to the City Attorney for civil action. Any such action must be filed within one year of the violation. Remedies available include but are not limited to the following: employee reinstatement; back pay; payment of unlawfully withheld benefits; liquidated damages up to \$50 per affected individual; injunctive relief; and, attorney's fees. Interest shall be assessed on all amounts due.

---

### RECORDKEEPING (SECTION 4911)

The legislation creates a new recordkeeping requirement for employers. They shall be required to retain records of employment, application forms, and other pertinent data and records for a period of three years. Further, they shall allow the OLSE access to the records for monitoring and investigatory purposes. An annual reporting requirement by each employer to OLSE may be instituted, though it is not clearly prescribed in the legislation. Shortcomings in recordkeeping shall be presumed to be a violation subject to appropriate penalties, unless an employer provides clear and convincing evidence otherwise.

---

### ADDITIONAL PROVISIONS UNIQUE TO CONTRACTORS AND SUBCONTRACTORS

In addition to the employer provisions noted above, certain additional provisions apply only to contractors and subcontractors. Penalties shall also include termination or suspension of in-progress contracts with all monies due or to become due forfeited and retained by the City. The contractor or subcontractor involved also will be barred for a period of two years from bidding on additional City contracts or subcontracts. The City reserves the right to waive these provisions for contracts deemed "sole source" or of a critical nature to the City.

### Key Questions:

- 1) How are employers, upon learning about an unresolved arrest at an authorized stage in the hiring process, expected to respond?
  - a. In cases of prior convictions described in Section 4904(c) that an employer may consider, it is reasonable that an adverse employment decision shall not be rendered except in the case of a directly-related conviction. Such convictions have been adjudicated, an individual is no longer incarcerated, and there is no reasonable expectation that the individual will be re-incarcerated.
  - b. However, unresolved arrests (defined in Section 4903) present a different set of circumstances, yet it appears from Section 4904(f) that they must be treated the same as prior convictions. Unresolved arrests are quite different, as there has been no adjudication. Some pending charges can change, be dropped, or new charges added, potentially changing from unrelated to directly-related, or vice versa. An employer is also unable to predict whether a newly hired employee will shortly thereafter be required to miss work multiple times to appear in court, or whether the employee will be incarcerated. Unresolved arrests may also involve individuals purposefully evading arrest by law enforcement in order to avoid answering to charges.

- c. Barring unresolved arrests that are not directly-related to a position as a basis for adverse employment decisions places employers in a difficult and potentially costly predicament.
- 2) Why are juvenile convictions not listed as an excluded category from contractor/subcontractor restrictions? (Admin. Code Section 12T.4; p. 35, lines 10-14)
- 3) Is it possible to restate the exempt categories in Admin. Code Section 12T.4 in the same manner as they are stated in Police Code Section 4904, for consistency (p. 11, lines 4-14)?
- 4) Why is there a “spontaneous divulgence” provision in the contractor/subcontractor section but not in the employer section? (Admin. Code Section 12T.4(c); p. 35, lines 15-18)
- 5) Has the City Attorney confirmed that the legislation prevents individual legal claims against businesses by persons claiming to have been denied employment based on an inappropriate business reason?
- 6) Is it possible to define “Employer” separate from the definition for “Directly-Related Conviction”? (p. 9, line 3) It is difficult to find it currently.
- 7) Is it appropriate to directly address inquiries into conviction history explicitly required by governmental regulations, especially local ordinances?
  - a. For instance, existing parking operator regulations (Police Code Section 1215.1) require an employer to report annually on the conviction history of its employees. Similar requirements are in place at the local-, state-, and federal-levels for other industries.
  - b. It may be pertinent, then, to directly address such inquiries, and to specify when they may occur and reoccur. Allowing certain industries or certain positions within industries to inquire about specific types of disqualifying convictions at the earliest stages of recruitment may be sensible when it is known such convictions will be automatically disqualifying due to government regulations. Those disqualifying convictions should be stated in a job posting, and only those convictions should be subject to inquiry.
  - c. In the parking operator example, *covered crimes* are defined in Police Code Section 1215(a) as “the crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a vehicle identification, tax fraud or evasion, and any offense related to the use of alcohol, narcotics or controlled substances while operating or in connection with a vehicle, committed anywhere in the United States of America.” No employee may work for a parking operator with such a conviction in the preceding 10 years.
  - d. It may be prudent to more broadly unify Police Code and other City uses of conviction history information to align with the provisions and intent of this legislation.
  - e. Failing to address such inquiries into conviction history mandated by law could increase employer uncertainty and potential vulnerability to penalties under the ordinance.

## Legislation for Commission Review

BOS File No: 131192

Title: Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions

---

### Staff Assessment:

The legislation as proposed will greatly change the recruitment and promotion procedures of covered employers (to include contractors/subcontractors). The impact may be greatest on employers with significant turnover or large seasonal hiring fluctuations. Its requirements will create costs associated with staff training, altering employment advertisements, updating paper and online forms, establishing recordkeeping procedures, providing notices, preparing questionnaires, maintaining records, reporting to and responding to inquiries from OLSE, and other required activities. Recruitment processes may take longer and cost more as additional candidates must be screened and interviewed before disqualifying those with directly-related convictions. However, the broader social and economic goals the legislation seeks to advance may justify the initial and ongoing expenses for businesses.

It is difficult to disagree with the sponsor's assertion that highly qualified candidates are routinely denied employment opportunities simply due to any criminal conviction, under any circumstances, from any point in their lives. Many such determinations have proven arbitrary and have harmed a growing segment of the population, with serious consequences. As a result, the sponsor is proposing a government solution to this market failure.

The legislation appears to strike a reasonable balance between fairness to individuals and protection for businesses. If anything, the balance remains in favor of businesses. It does not interfere with a business's ability to deny employment or advancement to an individual whose criminal history is likely to impact his or her ability to properly perform the duties required. Most importantly, there is no test of a business's *bona fide* reason for denying an applicant employment or promotion. Rather, the ordinance only seeks to ensure satisfactory procedural performance and recordkeeping.

The reporting and oversight experiences of those subject to the ordinance – employers with 20 or more employees - will probably be similar to those associated with the City's other employer mandates, which are also administered by OLSE. These include the Health Care Security Ordinance and Family Friendly Workplace Ordinance. Enforcement provisions provide for very modest penalties in the event of an inadvertent violation of any provision.

Overall, there is little in the ordinance of significant concern for small businesses.

### Departments/Organizations to Consult:

[Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]

Ordinance amending the Police Code to require employers and housing providers to limit the use of criminal history information and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strikethrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strikethrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by adding Article 49, Sections 4901-4920, to read as follows:

**ARTICLE 49: PROCEDURES FOR CONSIDERING ARRESTS AND CONVICTIONS**  
**AND RELATED INFORMATION IN EMPLOYMENT AND HOUSING DECISIONS**

**Sec. 4901. Policy.**

**Sec. 4902. Findings.**

**Sec. 4903. Definitions.**

1       Sec. 4904.               Procedures for Use of Criminal History Information in Employment  
2                               Decisions.

3       Sec. 4905.               Notice and Posting Requirements for Employers.

4       Sec. 4906.               Employer Questionnaire.

5       Sec. 4907.               Procedures for Use of Criminal History Information in Housing  
6                               Decisions.

7       Sec. 4908.               Notice and Posting Requirements for Housing Providers.

8       Sec. 4909.               Exercise of Rights Protected; Retaliation Prohibited.

9       Sec. 4910.               Implementation and Enforcement of Employment Provisions.

10      Sec. 4911.               Employer Records.

11      Sec. 4912.               Implementation and Enforcement of Housing Provisions.

12      Sec. 4913.               Housing Provider Records.

13      Sec. 4914.               Rulemaking.

14      Sec. 4915.               Outreach.

15      Sec. 4916.               Other Legal Requirements.

16      Sec. 4917.               Preemption.

17      Sec. 4918.               City Undertaking Limited to Promotion of General Welfare.

18      Sec. 4919.               Severability.

19      Sec. 4920.               Operative Date.

20  
21      SEC. 4901. POLICY.

22      It is the policy of the City and County of San Francisco to enhance public health and safety by  
23      reducing recidivism and its associated criminal justice costs and societal costs, and facilitating the  
24      successful reintegration into society of persons with arrest and conviction records. This Article is  
25      enacted for the purpose of furthering this policy.

1           **SEC. 4902. FINDINGS.**

2           After public hearings and consideration of testimony and documentary evidence, the Board of  
3 Supervisors finds and declares that the health, safety, and wellbeing of San Francisco's communities  
4 depend on increasing access to employment and housing opportunities for people with arrest or  
5 conviction records in order for them to effectively reintegrate into the community and provide for their  
6 families and themselves. Barriers to these opportunities for people with arrest or conviction records  
7 increase recidivism and thereby jeopardize the safety of the public, disrupt the financial and overall  
8 stability of affected families and of our communities, and impede the City's achieving its maximum  
9 potential of economic growth. Further, establishing procedures for the lawful use of criminal history  
10 information in employment and housing decisions can assist employers and housing providers by  
11 preventing the automatic exclusion of individuals who may be qualified, and in some cases well-  
12 qualified, employees or tenants.

13           In San Francisco, as across the country, individuals are often plagued by old or minor arrest or  
14 conviction records that discourage them from applying for jobs or housing because a "box" on the  
15 application requires disclosure of criminal history information that likely will automatically exclude  
16 them from consideration. Precise statistics in this area are difficult to come by, but by any measure the  
17 problem is major, affecting a large number of individuals and families. By one measure, some sixty-  
18 five million Americans have a criminal record that may show up on a routine background check report.  
19 In California, it has been estimated that almost one in four adults have arrest or conviction records.  
20 Many thousands of people in our local community are directly impacted by barriers to reintegration  
21 based on these records.

22           In today's digital age, there has been widespread proliferation in the use of criminal  
23 background checks, with hundreds of companies offering over the internet low-cost criminal  
24 background checks. Surveys have shown that as many as ninety percent of employers and eighty  
25 percent of private housing providers conduct background checks. And the information that such

1 background checks may yield can have a devastating impact on the employment and housing  
2 opportunities of persons with a criminal history, with damaging spillover effects on families and  
3 communities. One study found that two-thirds of employers surveyed in five major U.S. cities would not  
4 knowingly hire a person with a criminal record, regardless of the offense. Another study found that a  
5 criminal record reduces the likelihood of a job callback or offer by nearly fifty percent. Among those  
6 seeking assistance from the San Francisco Public Defender's Clean Slate program, a pool of  
7 individuals with a criminal record, only about one-third are employed, and the majority of those  
8 employed earn an annual income of \$3,000 or less.

9 The problems presented by employers and housing providers who use a person's criminal  
10 history to deny that person employment or housing opportunities are growing rather than diminishing.  
11 In response to this challenge, more than fifty cities and counties in the United States have adopted  
12 policies that to one degree or another regulate the inquiry into an individual's criminal history, at least  
13 as to individuals employed by those localities. Eleven of those localities apply their policies to those  
14 who contract with them. The cities of Philadelphia, Newark, Seattle, and Buffalo have applied their  
15 policies to all private employers within their boundaries. At the state level, ten states have adopted  
16 policies to address this challenge and four states—Hawaii, Massachusetts, Minnesota and Rhode  
17 Island—have applied their policies to private employers. The economic rationale often cited for these  
18 reforms is to maximize the pool of talented, qualified workers for employers and to fully utilize the  
19 productive capacity of people with prior arrests or convictions, for the improvement of the economy.

20 Regulating inquiries into an individual's criminal history is gaining traction as one facet of the  
21 nationwide effort to reduce the recidivism that leads to serial incarceration. A major rationale for this  
22 movement is the growing awareness that incarceration has devastating socioeconomic consequences.  
23 Researchers have found that more incarceration has the perverse effect of increasing the crime rate in  
24 some communities. Children suffer academically and socially, and have decreased economic mobility,  
25 after the incarceration of a parent. Incarceration is also linked to homelessness, impacting public



1 health and safety. Twenty-six percent of homeless people surveyed in San Francisco had been  
2 incarcerated within the previous twelve months, and an estimated thirty to fifty percent of parolees in  
3 San Francisco are homeless.

4 On October 1, 2011, San Francisco and the rest of California implemented AB 109, a  
5 "Realignment" of California's criminal justice system, which seeks to produce budgetary savings by  
6 reducing recidivism and promoting rehabilitation. As stated by Governor Edmund G. Brown, Jr. in  
7 signing AB 109, cycling people through the revolving door of "state prisons wastes money, aggravates  
8 crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision." Added by  
9 AB 109, Section 3451 of the California Penal Code states that counties must focus on alternatives to  
10 incarceration that have a proven track record of reducing recidivism. Moreover, Section 17.5 of the  
11 Penal Code states that criminal justice policies that rely on building and operating more prisons to  
12 address community safety concerns are not sustainable, and will not result in improved public safety.  
13 Removing unnecessary obstacles to employment and housing that impede reintegration and  
14 rehabilitation supports the goals for "Realignment."

15 Lack of employment and housing are significant causes of recidivism; people who are employed  
16 and have stable housing are significantly less likely to be re-arrested. For example, one study of 1,600  
17 individuals recently released from prison in Illinois found that only eight percent of those who were  
18 employed for a year committed another crime, compared to the state's average recidivism rate of fifty-  
19 four percent. In another study, researchers found that from 1992 to 1997, the slightly more than forty  
20 percent of the decline in the overall property crime rate could be attributed to the thirty-three percent  
21 decline in the unemployment rate during the same period. Still another study in New York reported  
22 that a person without stable housing was seven times more likely to re-offend after returning from  
23 prison. There is little doubt that a policy designed to improve the employment and housing prospects of  
24 persons with arrest or conviction history will enhance their prospects for becoming productive  
25 members of the community, and thereby benefiting all of us.



1 Policies that encourage reintegration and reduce recidivism can also help reduce criminal  
2 justice costs. The Legislative Analyst Office estimated that in 2005-2006, counties in California spent  
3 on average about \$28,000 per year to incarcerate an adult in jail and about \$1,250 per year to  
4 supervise an adult on probation in the community. One study estimated that in terms of court,  
5 prosecution, and law enforcement costs, the County spends an average of \$16,379 to process a person  
6 who has committed a drug offense through the criminal justice system. When a person successfully  
7 reintegrates and does not return to the criminal justice system, these costs are avoided, allowing scarce  
8 public dollars to be reinvested in programs that make our communities stronger and safer.

9 Not only is it a matter of public safety to ensure that workers have job and housing  
10 opportunities, but it is also critical for a stable economy. Economists at the Center for Economic and  
11 Policy Research used Bureau of Justice Statistics data to estimate that in 2008, the United States had  
12 between 12 and 14 million formerly incarcerated people and people with felonies of working age.  
13 Citing this population's greatly reduced job prospects, the researchers estimated that the total male  
14 employment that year was reduced by 1.5 to 1.7 percentage points and that the cost to the U.S.  
15 economy was between \$57 and \$65 billion in lost output.

16 The expansion of the criminal justice system and all of its attendant consequences described  
17 herein, coupled with the growth of the for-profit criminal background check industry, has created a  
18 need for local regulations on the use of arrest and conviction records. On March 29, 2011, the Reentry  
19 Council of the City & County of San Francisco, chaired by the Chief Adult Probation Officer, and  
20 comprised of that official and the District Attorney, Mayor, Public Defender, and Sheriff, urged the  
21 the enactment of an ordinance to reduce unnecessary barriers to housing and employment for  
22 individuals based on arrest or conviction records. This Article is an important part of implementing  
23 that general recommendation.

24 But there are some senses in which this Article is of limited scope. This Article does not intend,  
25 and shall not be construed, to require an employer to give preference to anyone or to hire an

1 unqualified person with an arrest or conviction record. Nor does it require a housing provider to give  
2 preference to anyone or to rent to an unqualified tenant with an arrest or conviction record. Moreover,  
3 this Article shall not be construed to limit an employer or a housing provider's ability to choose the  
4 most qualified and appropriate candidate from applicants for employment or housing.

5 **SEC. 4903. DEFINITIONS.**

6 For the purposes of this Article, the following words and phrases shall mean and include:

7 "Adverse Action" in the context of employment shall mean to fail or refuse to hire, to discharge,  
8 or to not promote any individual; or to limit, segregate or classify employees in any way which would  
9 deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect  
10 his/her status as an employee. The "Adverse Action" must relate to employment in whole or  
11 substantial part in the City. "Adverse Action" in the context of housing shall mean to evict from, fail or  
12 refuse to rent or lease real property to an individual, or fail or refuse to continue to rent or lease real  
13 property to an individual, or fail or refuse to add a household member to an existing lease, or to reduce  
14 any tenant subsidy The "Adverse Action" must relate to real property in the City.

15 "Affordable Housing" means any residential building in the City that has received funding from  
16 the City, either directly or through financing resulting from the City's issuance of tax exempt bonds.  
17 Affordable Housing also includes "affordable units" in the City as that term is defined in Article 4 of  
18 the Planning Code.

19 "Arrest" shall mean a record from any jurisdiction that includes information indicating that a  
20 person has been questioned, apprehended, taken into custody or detention, or held for investigation, by  
21 a law enforcement, police, or prosecutorial agency and/or charged with, indicted, tried, or acquitted  
22 for any felony, misdemeanor or other criminal offense. "Arrest" is a term that is separate and distinct  
23 from, and that does not include, "Unresolved Arrest."

24 "Background Check Report" shall mean any criminal history report, including but not limited  
25 to those produced by the California Department of Justice, the Federal Bureau of Investigation, other

1 law enforcement or police agencies, or courts, or by any consumer reporting agency or business,  
2 employment screening agency or business, or tenant screening agency or business.

3 "City" shall mean the City and County of San Francisco.

4 "Conviction" shall mean a record from any jurisdiction that includes information indicating  
5 that a person has been convicted of a felony, misdemeanor or other offense; provided that the  
6 conviction is one for which the person has been placed on probation, fined, imprisoned, or paroled.  
7 Those matters identified in Section 4904(a) and/or Section 4907(a) about which an Employer and/or  
8 Housing Provider may not inquire and as to which they may not base an Adverse Action, are not  
9 considered "Convictions."

10 "Conviction History" shall mean information regarding one or more Convictions or  
11 Unresolved Arrests, transmitted orally or in writing or by any other means.

12 "Directly-Related Conviction" in the employment context shall mean that the conduct for which  
13 a person was convicted or that is the subject of an Unresolved Arrest has a direct and specific  
14 negative bearing on that person's ability to perform the duties or responsibilities necessarily related to  
15 the employment position. In determining whether the conviction or Unresolved Arrest is directly  
16 related to the employment position, the Employer shall consider whether the employment position  
17 offers the opportunity for the same or a similar offense to occur and whether circumstances leading to  
18 the conduct for which the person was convicted or that is the subject of an Unresolved Arrest will recur  
19 in the employment position. "Directly-Related Conviction" in the housing context shall mean that the  
20 conduct for which a person was convicted or that is the subject of an Unresolved Arrest has a direct  
21 and specific negative bearing on the safety of persons or property, given the nature of the housing. In  
22 determining whether the conviction or Unresolved Arrest is directly related to the housing, the Housing  
23 Provider shall consider whether the housing offers the opportunity for the same or a similar offense to  
24 occur and whether circumstances leading to the conduct for which the person was convicted will recur  
25 in the housing, and whether supportive services that might reduce the likelihood of a recurrence of such

1 conduct are available on-site. Those matters identified in Sections 4904(a) and/or Sections 4907(a)  
2 about which an Employer and/or Housing Provider may not inquire and as to which they may not base  
3 an Adverse Action may not qualify as "Directly-Related Convictions." "Employer" shall mean any  
4 individual, firm, corporation, partnership, labor organization, group of persons, association, or other  
5 organization however organized, that is located or doing business in the City, and that employs 20 or  
6 more persons regardless of location, including the owner or owners and management and supervisory  
7 employees. "Employer" includes job placement and referral agencies and other employment  
8 agencies. "Employer" does not include the City and County of San Francisco, any other local  
9 governmental unit, or any unit of the state government or the federal government.

10 "Employment" shall mean any occupation, vocation, job, or work, including but not limited to  
11 temporary or seasonal work, part-time work, contracted work, contingent work, work on commission,  
12 and work through the services of a temporary or other employment agency, or any form of vocational  
13 or educational training with or without pay. The physical location of the employment or prospective  
14 employment of an individual as to whom Section 4904 applies must be in whole, or in substantial part,  
15 within the City.

16 "Evidence Of Rehabilitation Or Other Mitigating Factors" may include but is not limited to a  
17 person's satisfactory compliance with all terms and conditions of parole and/or probation (however,  
18 inability to pay fines, fees, and restitution due to indigence shall not be considered noncompliance with  
19 terms and conditions of parole and/or probation); employer recommendations, especially concerning a  
20 person's post-conviction employment; educational attainment or vocational or professional training  
21 since the conviction, including training received while incarcerated; completion of or active  
22 participation in rehabilitative treatment (e.g., alcohol or drug treatment); letters of recommendation  
23 from community organizations, counselors or case managers, teachers, community leaders, or  
24 parole/probation officers who have observed the person since his or her conviction; and age of the  
25 person at the time of the conviction. Examples of mitigating factors that are offered voluntarily by the

1 person may include but are not limited to explanation of the precedent coercive conditions, intimate  
2 physical or emotional abuse, or untreated substance abuse or mental illness that contributed to the  
3 conviction.

4 "Housing Provider" shall mean an entity that owns or develops Affordable Housing in the City  
5 and receives funding from the City for such projects, either directly or through financing resulting from  
6 the City's issuance of tax exempt bonds. "Housing Provider" also includes owners and developers of  
7 below market rate housing in the City or "affordable units," as that term is defined in Article 4 of the  
8 Planning Code, in the City. Any agent, such as a property management company, that makes tenancy  
9 decisions on behalf of the above described entities shall also be considered a Housing Provider.

10 "HRC" shall mean the Human Rights Commission or any successor department or office. The  
11 "Director" of HRC shall mean the department head of the HRC.

12 "Inquire" shall mean any direct or indirect conduct intended to gather information from or  
13 about an applicant, candidate, potential applicant or candidate, or employee, using any mode of  
14 communication, including but not limited to application forms, interviews, and Background Check  
15 Reports.

16 "OLSE" shall mean the Office of Labor Standards Enforcement or any successor department or  
17 office. The "Director" of OLSE shall mean the head of the OLSE.

18 "Person" shall mean any individual, person, firm, corporation, business or other organization  
19 or group of persons however organized. "Person" often means an individual with a Conviction  
20 History or Unresolved Arrest or with a record pertaining to the matters identified in Section 4904(a)  
21 and/or Section 4907(a).

22 "Unresolved Arrest" shall mean an Arrest that has led to a pending criminal investigation or  
23 trial that has not yet been resolved.

24 **SEC. 4904. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN**  
25 **EMPLOYMENT DECISIONS.**

1       (a) Regarding applicants or potential applicants for employment, or employees, an  
2       Employer shall not, at any time or by any means, inquire about, require disclosure of, or if such  
3       information is received base an Adverse Action in whole or in part on:

4       (1) An Arrest not leading to a Conviction, excepting under circumstances identified  
5       in this Section an Unresolved Arrest;

6       (2) Participation in or completion of a diversion or a deferral of judgment program;

7       (3) A Conviction that has been judicially dismissed, expunged, voided, invalidated,  
8       or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code  
9       sections 1203.4, 1203.4a, or 1203.41;

10       (4) A Conviction or any other determination or adjudication in the juvenile justice  
11       system, or information regarding a matter considered in or processed through the juvenile justice  
12       system; or

13       (5) A Conviction that is more than seven years old, the date of Conviction being the  
14       date of sentencing.

15       Accordingly, the matters identified in this subsection (a) may not be considered in any manner  
16       by the Employer.

17       (b) The Employer shall not require applicants or potential applicants for employment or  
18       employees to disclose on any employment application the fact or details of any Conviction History, any  
19       Unresolved Arrest, or any matter identified in subsections (a)(1)-(5).. Nor shall the Employer inquire  
20       on any employment application about the fact or details of any Conviction History, any Unresolved  
21       Arrest, or any matter identified in subsections (a)(1)-(5).

22       (c) The Employer shall not require applicants or potential applicants for employment, or  
23       employees, to disclose, and shall not inquire into, their Conviction History or an Unresolved Arrest  
24       until either after the first live interview with the person (via telephone, videoconferencing, use of other  
25       technology, or in person) or, at the Employer's discretion, after a conditional offer of employment.

1 (d) Prior to any Conviction History inquiry, the Employer shall provide a copy of the notice  
2 described in Section 4905(b) to the applicant or employee.

3 (e) Prior to obtaining a copy of a Background Check Report, the Employer shall comply  
4 with all state and federal requirements including but not limited to those in the California Investigative  
5 Consumer Reporting Agencies Act (ICRAA), California Civil Code sections 1786 et seq., and the  
6 Federal Consumer Reporting Act (FCRA), 15 United States Code sections 1681 et seq., to provide  
7 notice to the applicant or employee that such a report is being sought. The Employer must also  
8 provide the applicant or employee notice in writing of his or her right pursuant to this Section 4904 to  
9 provide the Employer with evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating  
10 Factors regarding any items of Conviction History found in the report, and the deadline for providing  
11 such information. For such information to be required to be considered by the Employer, the applicant  
12 or employee must give the Employer notice, orally or in writing, of such information within seven days  
13 of the date that the report is sent by the Employer to the applicant or employee.

14 (f) In making an employment decision based on an applicant's or employee's Conviction  
15 History, an Employer shall conduct an individualized assessment, considering only Directly-Related  
16 Convictions, the time that has elapsed since the Conviction or Unresolved Arrest, and any evidence of  
17 inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.

18 (g) If an Employer intends to base an Adverse Action on an item or items of Conviction  
19 History found in the applicant or employee Background Check Report and the applicant or employee  
20 submits evidence of the items' inaccuracy or Evidence of Rehabilitation or Other Mitigating  
21 Circumstances within the required time period, the Employer shall delay any Adverse Action for a  
22 reasonable time after receipt of the information and during that time shall reconsider the prospective  
23 Adverse Action in light of the information.



1 (h) Upon taking any final Adverse Action based upon the Conviction History of an applicant  
2 or employee, an Employer shall deliver to the applicant or employee a copy of the completed  
3 questionnaire described in Section 4906.

4 (i) It shall be unlawful for any Employer to produce or disseminate any solicitation or  
5 advertisement that is reasonably likely to reach persons who are reasonably likely to seek employment  
6 in the City, and that expresses, directly or indirectly, that any person with an Arrest or Conviction  
7 will not be considered for employment or may not apply for employment.

8 (j) Nothing in this Section 4904 shall be construed to prohibit an Employer from observing  
9 the conditions of a seniority system or an employee benefit plan, provided such systems or plans are not  
10 a subterfuge to evade the purposes or requirements of this Article.

11 **SEC. 4905. NOTICE AND POSTING REQUIREMENTS FOR EMPLOYERS.**

12 (a) The Employer shall state in all solicitations or advertisements for employees that are  
13 reasonably likely to reach persons who are reasonably likely to seek employment in the City, that the  
14 Employer will consider for employment qualified applicants with criminal histories in a manner  
15 consistent with the requirements of this Article.

16 (b) The OLSE shall, by the operative date of this Article, publish and make available to  
17 Employers, in English, Spanish, Chinese, and all languages spoken by more than 5% of the San  
18 Francisco workforce, a notice suitable for posting by Employers in the workplace informing applicants  
19 and employees of their rights under this Article. The OLSE shall update this notice on December 1 of  
20 any year in which there is a change in the languages spoken by more than 5% of the San Francisco  
21 workforce. At a minimum the notice described above shall contain the following information:

22 (1) A description of those matters identified in Section 4904(a) that may not be  
23 considered by the Employer under any circumstances;



1                   (2) A description of the restrictions and requirements that Section 4904 imposes on  
2 Employers when inquiring about Conviction History in connection with an employment or hiring  
3 decision;

4                   (3) The definition of Evidence of Rehabilitation or Other Mitigating Factors  
5 provided in Section 4903, and under what circumstances the applicant or employee has a right to  
6 provide such evidence;

7                   (4) The OLSE telephone number and email address that the applicant or employee  
8 may use to make a report if he or she believes the Employer has violated any of the provisions of  
9 Article 49.

10                  (c) Employers shall post the notice described in subsection (b) in a conspicuous place at  
11 every workplace, job site, or other location under the Employer's control frequently visited by their  
12 employees or applicants, and shall send a copy of this notice to each labor union or representative of  
13 workers with which they have a collective bargaining agreement or other agreement or understanding.  
14 The notice shall be posted in English, Spanish, Chinese, and any language spoken by at least 5% of the  
15 employees at the workplace, job site, or other location at which it is posted.

16                  **SEC. 4906. EMPLOYER QUESTIONNAIRE.**

17                  (a) The OLSE shall, by the operative date of this Article, publish and make available to  
18 Employers, a questionnaire to be completed by the Employer prior to taking any final Adverse Action  
19 against an applicant or employee on the basis of his or her Conviction History, that contains at a  
20 minimum the following information:

21                         (1) A statement that the notice is being provided in order to comply with Article 49  
22 of the San Francisco Police Code.

23                         (2) Questions that shall prompt the Employer to provide the following information in  
24 yes/no or multiple choice format;

1                   (A)    *Whether, and if so when, the applicant or employee was asked to*  
2 *voluntarily disclose information about his or her Conviction History:*

3                   (B)    *Whether, and if so when, a Background Check Report was obtained by*  
4 *the Employer:*

5                   (C)    *If the applicant or employee requested a copy of the Background Check*  
6 *Report and any items of Conviction History appeared on the report, whether the applicant or employee*  
7 *submitted any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors:*

8                   (D)    *Whether the Employer gave consideration to any information by the*  
9 *applicant or employee of the report's inaccuracy or to any Evidence Of Rehabilitation Or Other*  
10 *Mitigating Factors:*

11                   (E)    *Whether the Employer gave any consideration to the amount of time*  
12 *elapsed since the conviction or release from incarceration or conduct that is the subject of an*  
13 *Unresolved Arrest:*

14                   (F)    *Whether the employment position at issue would give the applicant or*  
15 *employee the opportunity to commit the same or similar offenses:*

16                   (G)    *Whether the circumstances leading to the conduct for which the applicant*  
17 *or employee was convicted or that is the subject of an Unresolved Arrest would recur in the*  
18 *employment position at issue; and*

19                   (H)    *The OLSE telephone number and email address that the applicant or*  
20 *employee may use to make a report if he or she believes the Employer has violated any of the*  
21 *provisions of Article 49.*

22                   (b)    *Upon taking any Adverse Action an Employer shall deliver to the applicant or employee*  
23 *a copy of the completed questionnaire.*

24                   **SEC. 4907. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN**  
25 **HOUSING DECISIONS.**

1 (a) Regarding applicants or potential applicants for housing, and their household members,  
2 a Housing Provider shall not, at any time or by any means, inquire about, require disclosure of, or if  
3 such information is received base an Adverse Action in whole or in part on:

4 (1) An Arrest not leading to a Conviction, excepting under circumstances identified  
5 in this Section an Unresolved Arrest;

6 (2) Participation in or completion of a diversion or a deferral of judgment program;

7 (3) A Conviction that has been judicially dismissed, expunged, voided, invalidated,  
8 or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code  
9 sections 1203.4, 1203.4a, or 1203.41;

10 (4) A Conviction or any other determination or adjudication in the juvenile justice  
11 system, or information regarding a matter considered in or processed through the juvenile justice  
12 system; or

13 (5) A Conviction that is more than seven years old, the date of Conviction being the  
14 date of sentencing.

15 Accordingly, the matters identified in this subsection (a) may not be considered in any manner  
16 by the Housing Provider.

17 (b) The Housing Provider shall not require applicants for housing to disclose on any  
18 housing application the fact or details of any Conviction History, any Unresolved Arrest, or any matter  
19 identified in subsections (a)(1)-(5). Nor shall the Housing Provider inquire on any housing application  
20 about the fact or details of any Conviction History, any Unresolved Arrest, or any matter identified in  
21 subsections (a)(1)-(5).

22 (c) The Housing Provider shall not require applicants to disclose, and shall not inquire  
23 into, Conviction History until the Housing Provider has first determined:

24 (1) that the applicant is legally eligible to rent the housing unit; and  
25

1                   (2) that the applicant is qualified to rent the housing unit under the Housing  
2 Provider's criteria for assessing rental history and credit history; provided, however, that this  
3 subsection (c)(2) shall apply only if the Housing Provider uses rental history and credit history  
4 information in determining qualifications of applicants for housing; and provided further, that this  
5 subsection (c)(2) shall not preclude a Housing Provider from obtaining a Background Check Report at  
6 the same time as the Housing Provider obtains the rental history report and credit history report for an  
7 applicant, so long as the Housing Provider reviews the Background Check Report only after  
8 determining based on rental history and credit history that the applicant is qualified to rent the housing  
9 unit.

10                   (d) Prior to any Conviction History inquiry, the Housing Provider shall provide a copy of the  
11 notice described in Section 4907(b) to the applicant.

12                   (e) Prior to obtaining a copy of a Background Check Report, the Housing Provider shall  
13 comply with all state and federal requirements including but not limited to those in the California  
14 Investigative Consumer Reporting Agencies Act (ICRAA), California Civil Code sections 1786 et seq.,  
15 and the Federal Consumer Reporting Act (FCRA), 15 United States Code sections 1681 et seq., to  
16 provide notice to the applicant that such a report is being sought.

17                   (f) In making a housing decision based on Conviction History, a Housing Provider shall  
18 conduct an individualized assessment, considering only Directly-Related Convictions, and the time that  
19 has elapsed since the Conviction or Unresolved Arrest. If a Housing Provider intends to base an  
20 Adverse Action on an item or items of Conviction History found in a Background Check Report or  
21 otherwise known by the Housing Provider, the Housing Provider shall notify the applicant in writing of  
22 the prospective Adverse Action, the items forming the basis for the prospective Adverse Action, and the  
23 time period for the applicant to submit further information to the Housing Provider, as provided in  
24 subsection (g).

1           (g) The applicant shall have 14 days from the Housing Provider's sending of the notice  
2 described in subsection (f) to submit to the Housing Provider, orally or in writing, evidence of the  
3 inaccuracy of the item or items of Conviction History and/or Evidence of Rehabilitation or Other  
4 Mitigating Factors. If such information is submitted within that time period, the Housing Provider  
5 shall delay any Adverse Action for a reasonable period after receipt of the information and during that  
6 time shall reconsider the prospective Adverse Action in light of the information. If the Housing  
7 Provider then takes a final Adverse Action against the applicant, the Housing Provider shall so advise  
8 the Applicant in writing.

9           (h) It shall be unlawful for any Housing Provider to produce or disseminate any  
10 advertisement that expresses, directly or indirectly, that any person with an arrest or conviction record  
11 will not be considered for the rental or lease of real property or may not apply for the rental or lease of  
12 real property, except as required by local, state, or federal law.

13           **SEC. 4908. NOTICE AND POSTING REQUIREMENTS FOR HOUSING PROVIDERS.**

14           (a) The Housing Provider shall state in all solicitations or advertisements for the rental or  
15 lease of residential real property placed by the Housing Provider or on behalf of the Housing  
16 Provider, that the Housing Provider will consider for tenancy qualified applicants with criminal  
17 histories in a manner consistent with the requirements of this Article.

18           (b) The HRC shall, by the operative date of this Article, publish and make available to  
19 Housing Providers, in English, Spanish, and Chinese, and all languages spoken by more than 5% of the  
20 San Francisco population, a notice suitable for posting that informs applicants for the rental or lease of  
21 residential real property of their rights under this Article. The HRC shall update this notice on  
22 December 1 of any year in which there is a change in the languages spoken by more than 5% of the San  
23 Francisco population.

24           (c) Housing Providers shall post the notice prominently on their website and at any location  
25 under their control that is frequently visited by applicants or potential applicants for the rental or lease

1 of residential real property. At a minimum the notice described above shall contain the following  
2 information:

3 (1) A description of those matters identified in Section 4907(a) that may not be  
4 considered by the Housing Provider under any circumstances;

5 (2) A description of the restrictions and requirements that Section 4907 imposes on  
6 Housing Providers when inquiring about Conviction History in connection with an application for the  
7 rental or lease of residential real property;

8 (3) The definition of Evidence of Rehabilitation and Other Mitigating Circumstances  
9 provided in Section 4903, and under what circumstances the applicant or potential applicant has a  
10 right to provide such evidence; and

11 (4) The HRC telephone number and email address the applicant or potential  
12 applicant may use to make a report if he or she believes the Housing Provider has violated any of the  
13 provisions of Article 49.

14 **SEC. 4909. EXERCISE OF RIGHTS PROTECTED; RETALIATION PROHIBITED.**

15 (a) It shall be unlawful for an Employer, Housing Provider, or any other person to interfere  
16 with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

17 (b) It shall be unlawful for an Employer to refuse to hire an applicant, or to discharge,  
18 threaten to discharge, demote, suspend, or otherwise take Adverse Action against an employee in  
19 retaliation for exercising rights protected under this Article. Such rights include but are not limited to:

20 (1) the right to file a complaint or inform any person about any Employer's alleged  
21 violation of this Article;

22 (2) the right to inform any person about an Employer's alleged violation of this  
23 Article;

24 (3) the right to cooperate with the OLSE or other persons in the investigation or  
25 prosecution of any alleged violation of this Article;

1           (4) the right to oppose any policy, practice, or act that is unlawful under this Article;  
2    or

3           (5) the right to inform any person of his or her rights under this Article.

4           (c) It shall be unlawful for a Housing Provider to interrupt, terminate, or fail or refuse to  
5    initiate or conduct a transaction involving the rental or lease of residential real property, including  
6    falsely representing that a residential unit is not available for rental or lease, or otherwise take Adverse  
7    Action against a person in retaliation for exercising rights protected under this Article. Such rights  
8    include but are not limited to:

9           (1) the right to file a complaint or inform any person about any Housing Provider's  
10   alleged violation of this Article;

11          (2) the right to inform any person about a Housing Provider's alleged violation of  
12   this Article;

13          (3) the right to cooperate with the HRC or other persons in the investigation or  
14   prosecution of any alleged violation of this Article;

15          (4) the right to oppose any policy, practice, or act that is unlawful under this Article;  
16   or

17          (5) the right to inform any person of his or her rights under this Article.

18          (d) Protections of this Section 4909 shall apply to any person who mistakenly but in good  
19   faith alleges violations of this Article.

20          (e) Taking Adverse Action against a person within 90 days of the exercise of one or more of  
21   the rights described in this Section 4909 shall create a rebuttable presumption that such Adverse Action  
22   was taken in retaliation for the exercise of those rights.

23           **SEC. 4910. IMPLEMENTATION AND ENFORCEMENT OF EMPLOYMENT**  
24   **PROVISIONS.**

25          (a) Administrative Enforcement.



1           (1) With regard to the employment provisions of this Article, the OLSE is authorized to take  
2 appropriate steps to enforce this Article and coordinate enforcement, including the investigation of any  
3 possible violations of this Article. Where the OLSE has reason to believe that a violation has occurred,  
4 it may order any appropriate temporary or interim relief to mitigate the violation or maintain the status  
5 quo pending completion of a full investigation or hearing. The OLSE's finding of a violation may not  
6 be based on the validity of the Employer's bona fide business reason for taking an Adverse Action  
7 against an applicant or employee based on his or her Conviction History. Instead, the Agency's review  
8 shall be limited to an Employer's adherence to procedural, posting and documentation requirements  
9 set forth in this Article.

10           (2) Where the OLSE determines that a violation has occurred, it may issue a determination  
11 and order any appropriate relief, provided, however, that for a first violation, or for any violation  
12 during the first twelve months following the operative date of this Article, the OLSE must issue  
13 warnings and notices to correct, and offer the Employer technical assistance on how to comply with the  
14 requirements of this Article. For a second violation, the OLSE may impose an administrative penalty  
15 of no more than \$50,00 that the Employer must pay to the City for each employee or applicant as to  
16 whom the violation occurred or continued. Thereafter, for subsequent violations, the penalty may  
17 increase to no more than \$100, payable to the City for each employee or applicant whose rights were,  
18 or continue to be, violated. Such funds shall be allocated to the OLSE and used to offset the costs of  
19 implementing and enforcing this Article.

20           (3) If multiple employees or applicants are impacted by the same procedural violation at the  
21 same time (e.g. all applicants for a certain job opening are asked for their Conviction History on the  
22 initial application), the violation shall be treated as a single violation rather than multiple violations.

23           (4) Where prompt compliance is not forthcoming, the OLSE may refer the action to the City  
24 Attorney to consider initiating a civil action pursuant to Subsection (b).



1           (5) An employee, applicant or other person may report to the OLSE any suspected violation  
2 of this Article within 60 days of the date the suspected violation occurred. The OLSE shall encourage  
3 reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by  
4 applicable laws, the name and other identifying information of the employee, applicant or person  
5 reporting the violation; provided, however, that with the authorization of such person, the OLSE may  
6 disclose his or her name and identifying information as necessary to enforce this Article or for other  
7 appropriate purposes.

8           (6) The Director of the OLSE shall establish rules governing the administrative process for  
9 determining and appealing violations of this Article. The Rules shall include procedures for:

10           (A) providing the Employer with notice that it may have violated this Article;

11           (B) providing the Employer with a right to respond to the notice;

12           (C) providing the Employer with notice of the OLSE's determination of a violation;

13           (D) providing the Employer with an opportunity to appeal the OLSE's determination  
14 to a hearing officer, who is appointed by the City Controller or his or her designee.

15           (7) If there is no appeal of the OLSE's determination of a violation, that determination shall  
16 constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any  
17 petition or claim brought by the Employer against the City regarding the OLSE's determination of a  
18 violation.

19           (8) If there is an appeal of the OLSE's determination of a violation, the hearing before the  
20 hearing officer shall be conducted in a manner that satisfies the requirements of due process. In any  
21 such hearing, the OLSE's determination of a violation shall be considered prima facie evidence of a  
22 violation, and the Employer shall have the burden of proving, by a preponderance of the evidence, that  
23 the OLSE's determination of a violation is incorrect. The hearing officer's decision of the appeal shall  
24 constitute the City's final decision. The sole means of review of the City's final decision, rendered by  
25 the hearing officer, shall be by filing in the San Francisco Superior Court a petition for writ of mandate

1 under Section 1094.5 of the California Code of Civil Procedure. The OLSE shall notify the Employer  
2 of this right of review after issuance of the City's final decision by the hearing officer.

3 (b) Civil Enforcement. The City may bring a civil action in a court of competent  
4 jurisdiction against the Employer or other person violating this Article, and, upon prevailing, shall be  
5 entitled to such legal or equitable relief as may be appropriate to remedy the violation including, but  
6 not limited to: reinstatement; back pay; the payment of benefits or pay unlawfully withheld; the  
7 payment of an additional sum as liquidated damages in the amount of \$50.00 to each employee,  
8 applicant or other person whose rights under this Article were violated for each day such violation  
9 continued or was permitted to continue; appropriate injunctive relief; and, further shall be awarded  
10 reasonable attorney's fees and costs.

11 (c) Interest. In any administrative or civil action brought under this Article, the OLSE or  
12 court, as the case may be, shall award interest on all amounts due and unpaid at the rate of interest  
13 specified in subdivision (b) of Section 3289 of the California Civil Code.

14 (d) Remedies Cumulative. The remedies, penalties, and procedures provided under this  
15 Article are cumulative.

16 (e) Limitation on Actions. Civil Actions to enforce the employment provisions of this  
17 Article must be filed within one year after the date of the violation.

#### 18 **SEC. 4911. EMPLOYER RECORDS.**

19 (a) An Employer shall retain records of employment, application forms, and other pertinent  
20 data and records required under this Article, for a period of three years, and shall allow the OLSE  
21 access to such records, with appropriate notice and at a mutually agreeable time, to monitor  
22 compliance with the requirements of this Article.

23 (b) An Employer shall provide information to the OLSE, or the OLSE's designee, on an  
24 annual basis as may be required to verify the Employer's compliance with this Article.

1 (c) In no event shall the OLSE require an Employer to provide any information or  
2 documents the disclosure of which would violate state or federal law.

3 (d) Where an Employer does not maintain or retain adequate records documenting  
4 compliance with this Article or does not allow the OLSE reasonable access to such records, it shall be  
5 presumed that the Employer did not comply with this Article, absent clear and convincing evidence  
6 otherwise. The Office of Treasurer and Tax Collector shall have the authority to provide any and all  
7 nonfinancial information to OLSE necessary to fulfill OLSE's responsibilities as the enforcing agency  
8 under this Article. With regard to all such information provided by the Office of Treasurer and Tax  
9 Collector, OLSE shall be subject to the confidentiality provisions of Subsection (a) of Section 6.22-1 of  
10 the San Francisco Business and Tax Regulations Code.

11 (e) Pursuant to its rulemaking authority under this Article, the OLSE shall adopt rules that  
12 establish procedures for Employers to maintain and retain accurate records and to provide annual  
13 reporting of compliance to OLSE in a manner that does not require disclosure of any information that  
14 would violate State or Federal privacy laws.

15 **SEC. 4912. IMPLEMENTATION AND ENFORCEMENT OF HOUSING PROVISIONS.**

16 **(a) Administrative Enforcement.**

17 (1) With regard to the housing provisions of this Article, the HRC is authorized to  
18 take appropriate steps to enforce this Article and coordinate enforcement, including the investigation of  
19 any possible violations of this Article.

20 (2) Where the Director of HRC determines that a violation has occurred, he or she  
21 may issue a determination and order any appropriate relief, provided, however, that for a first  
22 violation, or for any violation during the first twelve months following the operative date of this Article,  
23 the Director must issue warnings and notices to correct, and offer the Housing Provider technical  
24 assistance on how to comply with the requirements of this Article. For a second violation, the Director  
25 may impose an administrative penalty of no more than \$50.00 that the Housing Provider must pay for

1 each applicant as to whom the violation occurred or continued. Thereafter, for subsequent violations,  
2 the penalty may increase to no more than \$100, payable to the City for each applicant whose rights  
3 were, or continue to be, violated. Such funds shall be allocated to the HRC and used to offset the costs  
4 of implementing and enforcing this Article.

5 (3) If multiple applicants are impacted by the same procedural violation at the same  
6 time (e.g. all applicants for a certain housing unit are asked for their Conviction History on the initial  
7 application), the violation shall be treated as a single violation rather than multiple violations.

8 (4) An applicant or other person may report to the HRC any suspected violation of  
9 this Article within 60 days of the date the suspected violation occurred. The HRC shall encourage  
10 reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by  
11 applicable laws, the name and other identifying information of the employee, applicant or person  
12 reporting the violation; provided, however, that with the authorization of such person, the HRC may  
13 disclose his or her name and identifying information as necessary to enforce this Article or for other  
14 appropriate purposes.

15 (5) The Director of the HRC shall establish rules governing the administrative  
16 process for determining and appealing violations of this Article. The Rules shall include procedures  
17 for:

18 (A) providing the Housing Provider with notice that it may have violated this Article;

19 (B) providing the Housing Provider with a right to respond to the notice;

20 (C) providing the Housing Provider with notice of the Director's determination of a  
21 violation;

22 (D) providing the Housing Provider with an opportunity to appeal the Director's  
23 determination to the HRC.

24 (6) If there is no appeal of the Director's determination of a violation, that  
25 determination shall constitute a failure to exhaust administrative remedies, which shall serve as a

1 complete defense to any petition or claim brought by the Housing Provider against the City regarding  
2 the Director's determination of a violation.

3 (7) If there is an appeal of the Director's determination of a violation, the City  
4 Controller or his or her designee shall appoint a person, other than a member of the Commission, to  
5 serve as a hearing officer. The hearing before the hearing officer shall be conducted in a manner that  
6 satisfies the requirements of due process. In any such hearing, the Director's determination of a  
7 violation shall be considered prima facie evidence of a violation, and the Housing Provider shall have  
8 the burden of proving, by a preponderance of the evidence, that the Director's determination of a  
9 violation is incorrect.

10 (8) If the hearing officer finds that the Housing Provider has engaged in conduct in  
11 violation of this Article, the hearing officer shall issue an order requiring the Housing Provider to  
12 cease and desist from the practice and to offer the housing accommodation to the applicant or  
13 applicants under the terms for which the unit was offered to the public. The Housing Provider shall not  
14 be required to offer the housing accommodation if the unit has already been rented or leased to a  
15 tenant, but the Housing Provider shall be required to offer a comparable unit, if available, to the  
16 applicant or applicants.

17 (9) The decision of the hearing officer shall be final unless the Commission vacates  
18 his or her decision on appeal.

19 (10) Either party may file an appeal of the hearing officer's decision with the  
20 Commission. Such an appeal to the Commission from the determination of the hearing officer must be  
21 made within 15 days of the mailing of the decision and findings of fact. The appeal shall be in writing  
22 and must state the grounds for appellant's claim that there was either error or abuse of discretion on  
23 the part of the hearing officer. Each appeal shall be accompanied by a \$15 filing fee; provided,  
24 however, the fee shall be waived for an individual who files an affidavit under penalty of perjury stating  
25 that he or she is an indigent person who does not have and cannot obtain the money to pay the filing fee

1 without using money needed for the necessities of life. The filing of an appeal will not stay the effect of  
2 the hearing officer's decision.

3 (11) Upon receipt of an appeal, the entire administrative record of the matter,  
4 including the appeal, shall be filed with the Commission.

5 (12) The Commission may in its discretion determine to hear an appeal. In deciding  
6 whether to hear an appeal, the Commission shall consider, among other things, fairness to the parties,  
7 hardship to either party and promotion of the policies and purposes of this Article. In determining  
8 whether to hear an appeal the Commission may also review material from the administrative record of  
9 the matter as it deems necessary. A vote of the majority of the Commission shall be required for an  
10 appeal to be heard.

11 (13) In those cases where the Commission is able to determine on the basis of the  
12 documents before it that the hearing officer has erred, the Commission may without determining  
13 whether to hear the appeal remand the case for further hearing in accordance with its instructions  
14 without conducting an appeal hearing. Both parties shall be notified as to the time of the re-hearing,  
15 which shall be conducted within 30 days of the remand by the Commission. In those cases where the  
16 Commission is able to determine on the basis of the documents before it that the hearing officer's  
17 findings contain numerical or clerical inaccuracies, or require clarification, the Commission may  
18 continue the hearing for purposes of referring the case back to said hearing officer in order to correct  
19 the findings.

20 (14) Appeals accepted by the Commission shall be heard within 45 days of the filing  
21 of an appeal. Within 30 days of the filing of an appeal, both parties shall be notified in writing as to  
22 whether the appeal has been accepted. If the appeal has been accepted, the notice shall state the time of  
23 the hearing and the nature of the hearing. Such notice must be mailed at least 10 days prior to the  
24 hearing.

1 (15) At the appeal hearing, the parties shall have an opportunity to present oral and  
2 written argument in support of their positions. The Commission may in its discretion allow the parties  
3 to present additional evidence that was not considered by the hearing officer. After such hearing and  
4 after any further investigation which the Commission may deem necessary, the Commission may, upon  
5 hearing the appeal, affirm, reverse or modify the hearing officer's decision or may remand the case for  
6 further hearing in accordance with its findings. The Commission's decision must be rendered within 45  
7 days of the completion of the hearing and the parties must be notified of such decision.

8 (16) In accordance with the above subsection, the Commission shall give the parties  
9 written notice of the decision. The notice shall state that the decision is final.

10 **SEC. 4913. HOUSING PROVIDER RECORDS.**

11 (a) A Housing Provider shall maintain and retain records of tenant application forms, and  
12 other pertinent data and records required under this Article, for a period of three years, and shall  
13 allow the HRC access to such records, with appropriate notice and at a mutually agreeable time, to  
14 monitor compliance with the requirements of this Article.

15 (b) A Housing Provider shall provide information to the HRC, or the HRC's designee, on an  
16 annual basis as may be required to verify the Housing Provider's compliance with this Article.

17 (c) In no event shall the HRC require a Housing Provider to provide any information or  
18 documents the disclosure of which would violate state or federal law.

19 (d) Where a Housing Provider does not maintain or retain adequate records documenting  
20 compliance with this Article or does not allow the HRC reasonable access to such records, it shall be  
21 presumed that the Housing Provider did not comply with this Article, absent clear and convincing  
22 evidence otherwise. The Office of Treasurer and Tax Collector shall have the authority to provide any  
23 and all nonfinancial information to the HRC necessary to fulfill the HRC's responsibilities as the  
24 enforcing agency under this Article. With regard to all such information provided by the Office of



1 Treasurer and Tax Collector, the HRC shall be subject to the confidentiality provisions of Subsection  
2 (a) of Section 6.22-1 of the San Francisco Business and Tax Regulations Code.

3 (e) Pursuant to its rulemaking authority under this Article, the HRC shall adopt rules that  
4 establish procedures for Housing Providers to maintain and retain accurate records and to provide  
5 annual reporting of compliance to the HRC in a manner that does not require disclosure of any  
6 information that would violate State or Federal privacy laws.

7 **SEC. 4914. RULEMAKING.**

8 (a) The Director of OLSE shall have authority to adopt regulations and guidelines that  
9 implement the employment provisions of this Article or that relate to provisions of this Article of  
10 general import or applicability; provided that the Director of OLSE may adopt regulations or  
11 guidelines relating to provisions of general import or applicability only after consultation with the  
12 Director of HRC.

13 (b) A designee of the Director of OLSE shall not have the authority under subsection (a) to  
14 adopt regulations or guidelines. But, at the discretion of the Director of OLSE, a designee shall have  
15 the authority to conduct hearings leading to the adoption of regulations or guidelines, and to consult  
16 with the Director of HRC regarding regulations or guidelines relating to provisions of general import  
17 or applicability.

18 (c) The HRC shall have authority to adopt regulations and guidelines that implement the  
19 housing provisions of this Article. The HRC may delegate this function to the Director of HRC.

20 (d) A designee of the Director of HRC shall not have the authority under subsection (c) to  
21 adopt regulations or guidelines. But, at the discretion of the Director of HRC, a designee shall have  
22 the authority to conduct hearings leading to the adoption of regulations or guidelines, and to consult  
23 with the Director of OLSE regarding regulations or guidelines relating to provisions of general import  
24 or applicability.

25 **SEC. 4915. OUTREACH.**



1 (a) The OLSE shall establish a community-based outreach program to conduct education  
2 and outreach to employees, applicants, and potential applicants for employment regarding rights and  
3 procedures under this Article. The program may be targeted at workers or potential workers in  
4 industries or communities where, in the judgment of the OLSE, the need for education and outreach is  
5 greatest.

6 (b) The HRC shall establish a community-based outreach program to conduct education  
7 and outreach to applicants and potential applicants for housing regarding rights and procedures under  
8 this Article. The program may be targeted at individuals or communities where, in the judgment of the  
9 HRC, the need for education and outreach is greatest.

10 (c) In establishing outreach programs as required by subsections (a) and (b), the OLSE and  
11 the HRC may partner with each other and/or with community-based organizations. Nothing in this  
12 Section 4913 shall preclude the OLSE or the HRC, by contract or grant, and consistent with other  
13 provisions of City law, from engaging the services of such organizations in establishing such  
14 community-based outreach programs, participating in such programs, or developing materials for such  
15 programs. Nothing in this Section 4913 shall preclude the OLSE or the HRC from combining the  
16 outreach programs required by subsections (a) and (b) with other related community outreach  
17 programs.

18 **SEC. 4916. OTHER LEGAL REQUIREMENTS.**

19 This Article provides the minimum requirements pertaining to the protection of applicants for  
20 employment, potential applicants for employment, employees, and applicants and potential applicants  
21 for the rental and lease of residential real property, and shall not be construed to preempt, limit, or  
22 otherwise affect the applicability of any other law, regulation, requirement, policy, or standard, or,  
23 with regard to employment, any provision of a collective bargaining agreement that provides for  
24 greater or other rights of or protections for applicants, potential applicants, or employees. This  
25 provision shall apply both to laws, regulations, requirements, policies, standards, and collective

1 bargaining agreements in existence at the time the Article becomes operative, and to those that come  
2 into existence thereafter.

3 **SEC. 4917. PREEMPTION.**

4 The City recognizes that in some circumstances state or federal law governs some of the matters  
5 addressed in this Article. Nothing in this Article shall be interpreted or applied by a court or an  
6 agency of City government so as to create any requirement, power, or duty in conflict with federal or  
7 state law or with a requirement of any government agency, including any agency of City government,  
8 implementing federal or state law. Consistent with the foregoing principle, for example, the OLSE and  
9 the HRC are authorized to not enforce any provision of this Article upon determining that its  
10 application in a particular context would conflict with federal or state law or with a requirement of a  
11 government agency implementing federal or state law.

12 **SEC. 4918. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**  
13 **WELFARE.**

14 In enacting and implementing this Article, the City is assuming an undertaking only to promote  
15 the general welfare. The City is not assuming, nor is it imposing on its officers and employees, an  
16 obligation for breach of which it is liable in money damages to any person who claims that such breach  
17 proximately caused injury. This Article does not create a legally enforceable right against the City.

18 **SEC. 4919. SEVERABILITY.**

19 If any part or provision of this Article including but not limited to a section, subsection,  
20 paragraph, sentence, phrase, or word, or the application thereof to any person or circumstance, is held  
21 invalid, the remainder of the Article, including the application of such part or provision to other  
22 persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To  
23 this end, provisions of this Article are severable.

24 **SEC. 4920. OPERATIVE DATE.**

1        This Article shall become operative on 180 days after enactment and shall have prospective  
2 effect only, measured from the operative date forward. Enactment occurs when the Mayor signs the  
3 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of  
4 receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

5  
6        Section 2. The San Francisco Administrative Code is hereby amended by adding  
7 Chapter 12T, Sections 12T.1-12T.11 to read as follows:

8        **CHAPTER 12T: CITY CONTRACTOR/SUBCONTRACTOR CONSIDERATION OF**  
9 **CRIMINAL HISTORY IN HIRING AND EMPLOYMENT DECISIONS**

10        **SEC. 12T.1. DEFINITIONS**

11        For the purposes of this Chapter, the following words and phrases shall mean and include:

12        "Adverse Action" shall have the same meaning as in Police Code Section 4903.

13        "Arrest" shall have the same meaning as in Police Code Section 4903.

14        "Background Check Report" shall have the same meaning as in Police Code Section 4903.

15        "City" shall mean the City and County of San Francisco.

16        "Contract" shall mean an agreement for public works or improvements to be performed, or for  
17 goods or services to be purchased or grants to be provided, at the expense of the City or to be paid out  
18 of moneys deposited in the treasury or out of trust moneys under the control or collected by the City,  
19 and does not include Property contracts, agreements entered into after June 1, 1997 pursuant to  
20 settlement of legal proceedings, contracts for urgent litigation expenses, or contracts for a cumulative  
21 amount of \$5,000 or less per vendor in each fiscal year.

22        "Contractor" means any person or persons, firm, partnership, corporation, or combination  
23 thereof, who enters into a Contract or Property Contract with a department head or officer empowered  
24 by law to enter into Contracts or Property Contracts on the part of the City.

25        "Conviction" shall have the same meaning as in Police Code Section 4903.

1 "Conviction History" shall have the same meaning as in Police Code Section 4903.

2 "Directly-Related Conviction" shall have the same meaning as in Police Code Section 4903.

3 "Employment" shall have the same meaning as in Police Code Section 4903.

4 "Evidence Of Rehabilitation Or Other Mitigating Factors" shall have the same meaning as in  
5 Police Code Section 4903.

6 "HRC" and "Director of HRC" shall have the same meaning as in Police Code Section 4903 .

7 "Inquire" shall have the same meaning as in Police Code Section 4903.

8 "OLSE" and "Director of OLSE" shall have the same meaning as in Police Code Section 4903.

9 "Person" shall have the same meaning as in Police Code Section 4903.

10 "Property Contract" shall mean a written agreement for the exclusive use or occupancy of real  
11 property for a term exceeding 29 days in any calendar year, whether by singular or cumulative  
12 instrument (i) for the operation or use by others of real property owned or controlled by the City for the  
13 operation of a business, social, or other establishment or organization, including leases, concessions,  
14 franchises and easements, or (ii) for the City's use or occupancy of real property owned by others,  
15 including leases, concessions, franchises and easements. For the purposes of this Chapter, "exclusive  
16 use" means the right to use or occupy real property to the exclusion of others, other than the rights  
17 reserved by the fee owner. "Property Contract" shall not include a revocable at-will use or  
18 encroachment permit for the use of or encroachment on City property regardless of the ultimate  
19 duration of such permit, except that " Property Contract" shall include such permits granted to a  
20 private entity for the use of City property for the purpose of a for-profit activity. "Property contract"  
21 shall also not include street excavation, street construction or street use permits, agreements for the use  
22 of City right-of-way where a contracting utility has the power of eminent domain, or agreements  
23 governing the use of City property which constitutes a public forum for activities that are primarily for  
24 the purpose of espousing or advocating causes or ideas and that are generally recognized as protected  
25 by the First Amendment to the U.S. Constitution, or which are primarily recreational in nature.

1        "Subcontract" shall mean an agreement to (i) provide goods and/or services, including  
2        construction labor, materials or equipment, to a Contractor, if such goods or services are procured or  
3        used in the fulfillment of the Contractor's obligations arising from a Contract with the City, or (ii) to  
4        transfer the right to occupy or use all or a portion of a real property interest subject to a Property  
5        Contract to a Subcontractor and pursuant to which the Contractor remains obligated under the  
6        Property Contract.

7        "Subcontractor" means any person or persons, firm, partnership, corporation or any  
8        combination thereof, who enters into a Subcontract with a Contractor. Such term shall include any  
9        person or entity who enters into an agreement with any Subcontractor for the performance of 10  
10       percent or more of any subcontract.

11       "Unresolved Arrest" shall have the same meaning as in Police Code Section 4903.

12       **SEC. 12T.2    APPLICABILITY OF CHAPTER TO CONTRACTORS AND**  
13       **SUBCONTRACTORS**

14       The requirements of this Chapter shall only apply to a Contractor's operations within San  
15       Francisco, and only to the extent those operations are in furtherance of performing a Contract with the  
16       City.

17       **SEC. 12T.3    ALL CONTRACTS AND PROPERTY CONTRACTS TO INCLUDE**  
18       **PROVISION REQUIRING COMPLIANCE WITH THIS CHAPTER**

19       All contracting agencies of the City, or any department thereof, acting for or on behalf of the  
20       City, shall include in all Contracts and Property Contracts hereinafter executed or amended in any  
21       manner or as to any portion thereof, a provision requiring Contractor compliance with this Chapter  
22       and shall require such Contractor to include a similar provision in all Subcontracts executed and  
23       amended thereunder, and failure to do so shall constitute a material breach of contract.

24       **SEC. 12T.4    PROCEDURES FOR CONTRACTOR USE OF CRIMINAL HISTORY**  
25       **INFORMATION IN EMPLOYMENT DECISIONS**

1           (a) In making employment decisions, a Contractor or Subcontractor shall not require

2 applicants for employment or its employees to disclose, orally or in writing, the fact or details of any  
3 prior Conviction History, including any inquiry about conviction history on any employment  
4 application, and shall not inquire into any prior Conviction History, until after the first live interview  
5 (via telephone, video conference or in person) or after a conditional offer of employment.

6           (b) After the first interview or a conditional offer of employment, a Contractor or  
7 Subcontractor may inquire about felony and misdemeanor convictions occurring within the previous  
8 seven years. The Contractor or Subcontractor shall not inquire about, and in the event that such  
9 information is received, shall not base an Adverse Action upon:

10           (1) An arrest not leading to a conviction unless required by state or federal law;

11           (2) Participation in or completion of a diversion or a deferral of judgment program;

12 or

13           (3) A conviction that has been judicially dismissed, for example, pursuant to  
14 California Penal Code §§ 1203.4, 1203.4 or 1203.41.

15           (c) Notwithstanding the requirements of this section, if at any time an applicant or employee  
16 spontaneously volunteers information about his or her Conviction History without prompting by the  
17 Employer, the Employer may ask follow up questions and make further inquiries about the applicant or  
18 employee's Conviction History.

19           (d) Prior to any Conviction History inquiry, the Employer shall provide a copy of the notice  
20 described in Section 4905(b) to the applicant or employee.

21           (e) Prior to obtaining a copy of a Background Check Report, the Employer shall comply  
22 with all state and federal requirements including California Investigative Consumer Reporting  
23 Agencies Act (ICRAA) and/or the Federal Consumer Reporting Act (FCRA) to provide notice to the  
24 applicant or employee that such a report is being sought. For applicants or employees who elect to  
25 receive a copy of the report, the Employer must also notify them of their right pursuant to this section

1 to provide the Employer with evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating  
2 Circumstances regarding any items of Conviction History found in the report, and that such  
3 information must be received within 5 days of the date that the report is sent to the applicant or  
4 employee in order to receive Employer consideration.

5 (e) In making an employment decision based on an applicant's or employee's Conviction  
6 History, a Contractor or Subcontractor shall conduct an individualized assessment, considering only  
7 Directly-Related Convictions, the time that has elapsed since the conviction, and any evidence of  
8 inaccuracy or Evidence of Rehabilitation or Other Mitigating Circumstances.

9 (f) If a Contractor or Subcontractor intends to base an Adverse Action on an item or items  
10 of Conviction History found in the applicant or employee Background Check Report, and the applicant  
11 or employee submits evidence of the items' inaccuracy or Evidence of Rehabilitation or Other  
12 Mitigating Circumstances within the required time period, the Employer shall delay any Adverse  
13 Action for a reasonable time after receipt of this evidence and during that time shall reconsider the  
14 proposed Adverse Action in light of this evidence.

15 (g) Upon taking any final Adverse Action based on the Conviction History of an applicant  
16 or employee, a Contractor or Subcontractor shall give the applicant or employee written notice of the  
17 final Adverse Action in a document that conforms to the requirements of Police Code Section 4905(d).

18 (h) A Contractor or Subcontractor shall not produce or disseminate any advertisement that  
19 expresses, directly or indirectly, that any person with an arrest or conviction will not be considered for  
20 employment or may not apply for employment, except as required by local, state, or federal law.

21 (i) Nothing in this Section shall be construed to prohibit a Contractor or Subcontractor  
22 from observing the conditions of a seniority system or an employee benefit system, provided such  
23 systems or plans are not a subterfuge to evade the purposes or requirements of this Chapter.

24 **SEC. 12T.5. NOTICE AND POSTING REQUIREMENTS FOR CONTRACTORS AND**  
25 **SUBCONTRACTORS**



1        (a) The Contractor or Subcontractor will state in all solicitations or advertisements for  
2 employees placed by or on his or her behalf, that the Contractor or Subcontractor will consider for  
3 employment qualified applicants with Conviction Histories in a manner consistent with the  
4 requirements of this Chapter.

5        (b) Notice of Rights under this Chapter. The OLSE shall, by the operative date of this  
6 Chapter, publish and make available to Contractors and Subcontractors, in all languages spoken by  
7 more than 5% of the San Francisco workforce, a notice substantially similar in form and content to the  
8 notice described in Police Code Section 4905(b). However, the notice shall cite this Chapter rather  
9 than Police Code Article 49 as the applicable legal authority for the rights and obligations described  
10 therein. Contractors and Subcontractors shall be subject to the same distribution and posting  
11 requirements for this notice as described in Police Code Section 4905(c).

12        (c) Final Adverse Action. The OLSE shall, by the operative date of this Article, publish  
13 and make available to Contractors and Subcontractors, a questionnaire to be completed by the  
14 Employer prior to taking any final Adverse Action against an applicant or employee on the basis of his  
15 or her Conviction History. The notice shall be substantially similar in form and content to the notice  
16 described in Police Code Section 4905(d). However, the notice shall cite this Chapter rather than  
17 Police Code Article 49 as the applicable legal authority for the rights and obligations described  
18 therein.

19        (d) Upon taking any final Adverse Action against an applicant or employee on the basis of  
20 his or her Conviction History, a Contractor or Subcontractor shall deliver to the applicant or  
21 employee a copy of the completed questionnaire described above.

#### 22        **SEC 12T.6 IMPLEMENTATION AND ENFORCEMENT**

23        (a) The OLSE is authorized to take appropriate steps to enforce and coordinate enforcement  
24 of this Chapter, including the investigation of possible violations of this Chapter. The OLSE's finding  
25 of a violation may not be based on the validity of the Contractor's or Subcontractor's bona fide



1 business reason for taking an Adverse Action against an applicant or employee based on his or her  
2 Conviction History. Instead, the Agency's review shall be limited to a Contractor's or Subcontractor's  
3 adherence to procedural, posting and documentation requirements set forth in this Chapter. If multiple  
4 employees or applicants are impacted by the same procedural violation at the same time (e.g. all  
5 applicants for a certain job opening are asked for their conviction history on the initial application).  
6 the violation shall be treated as a single violation rather than multiple violations.

7 (b) An employee, applicant or other person may report to the OLSE any suspected violation  
8 of this Chapter. The OLSE shall encourage reporting pursuant to this subsection by keeping  
9 confidential, to the maximum extent permitted by applicable laws, the name and other identifying  
10 information of the employee or person reporting the violation; provided, however, that with the  
11 authorization of such person, the OLSE may disclose his or her name and identifying information as  
12 necessary to enforce this Chapter or for other appropriate purposes.

13 (c) A Contractor or Subcontractor shall be deemed to have breached the provisions  
14 regarding the procedures for use of Conviction History in employment upon a finding by the OLSE that  
15 the Contractor or Subcontractor has willfully violated these provisions, provided, however, that for a  
16 first violation, or for any violation during the first twelve months following the operative date of this  
17 Chapter, the OLSE must issue warnings and notices to correct, and offer the Contractor or  
18 Subcontractor technical assistance on how to comply with the requirements of this Chapter.

19 (d) Upon a subsequent finding of a violation of this Chapter, the awarding authority shall  
20 notify the Contractor or Subcontractor that unless the Contractor or Subcontractor demonstrates to the  
21 satisfaction of the OLSE within such reasonable period as the OLSE shall determine, that the violation  
22 has been corrected, action will be taken as set forth in subparagraphs (g) through (j) hereof.

23 (e) The Director of the OLSE shall establish rules governing the administrative process for  
24 determining and appealing violations of this Chapter. The Rules shall include procedures for:

1           (1) providing the Contractor or Subcontractor with notice that it may have violated  
2 this Chapter;

3           (2) providing the Contractor or Subcontractor with a right to respond to the notice;

4           (3) providing the Contractor or Subcontractor with notice of the OLSE's  
5 determination of a violation;

6           (4) providing the Contractor with an opportunity to appeal the OLSE's  
7 determination to a hearing officer, who is appointed by the City Controller or his or her designee.

8           (f) If there is an appeal of the OLSE's determination of a violation, the hearing before the  
9 hearing officer shall be conducted in a manner that satisfies the requirements of due process. In any  
10 such hearing, the OLSE's determination of a violation shall be considered prima facie evidence of a  
11 violation, and the Contractor or Subcontractor shall have the burden of proving, by a preponderance of  
12 the evidence, that the OLSE's determination of a violation is incorrect. The hearing officer's decision  
13 of the appeal shall constitute the City's final decision.

14          (g) For a second violation, the awarding authority may deduct from the amount payable to  
15 the Contractor or Subcontractor by the City under any Contract subject to this Chapter, or the OLSE  
16 may impose upon the Contractor or Subcontractor, a penalty of \$50 for each day or portion thereof  
17 and for each employee, applicant or other person as to whom the violation occurred or continued.  
18 Thereafter, for subsequent violations, the penalty may increase to no more than \$100, payable to the  
19 City for each day or portion thereof, and for each employee or applicant whose rights were, or  
20 continue to be, violated. Such funds shall be allocated to the OLSE and used to offset the costs of  
21 implementing and enforcing this Chapter.

22          (h) In addition to any other penalties provided for the violation of this Chapter, the Contract  
23 or Subcontract may be terminated or suspended, in whole or in part, by the awarding authority upon  
24 the basis of a finding as set forth in subsection (f) that the Contractor or Subcontractor has violated the

1 provisions of this Chapter, and all moneys due or to become due hereunder may be forfeited to, and  
2 retained by, the City.

3 (i) A violation of the provisions of this Chapter during the performance of a Contract, or  
4 Subcontract shall be deemed by the City to be a material breach of Contract and the basis for  
5 determination by the awarding authority that the Contractor or Subcontractor is an irresponsible  
6 bidder as to all future contracts for which such Contractor or Subcontractor may submit bids. Such  
7 Contractor or Subcontractor shall not for a period of up to two years thereafter, be allowed to act as a  
8 Contractor or Subcontractor under any Contract or Property Contract.

9 (j) Nothing contained in this Chapter shall be construed in any manner so as to prevent the  
10 City from pursuing any other remedies that may be available at law, equity or under any Contract or  
11 Property Contract.

12 (k) **Rulemaking Authority.** The Director of OLSE shall have authority to issue regulations  
13 or develop guidelines that implement the provisions of this Chapter. A designee of the Director shall  
14 not have the authority under the foregoing sentence of this Section; but a designee of the Director shall  
15 have the authority to conduct hearings leading to the adoption of regulations or guidelines.

#### 16 **SEC. 12T.7 CONTRACTOR RECORDS**

17 (a) All Contractors and Subcontractors shall be subject to the same requirements for access  
18 to and maintenance of employment records as described in Police Code Section 4910. In no event shall  
19 OLSE require a Contractor or Subcontractor to provide any information or documents the disclosure  
20 of which would violate state or federal law.

21 (b) A Contractor or Subcontractor shall provide information to the OLSE, or the OLSE's  
22 designee, such information on an annual basis as may be required to verify the Contractor or  
23 Subcontractor's compliance with this Article.

24 (c) Where a Contractor or Subcontractor does not maintain or retain adequate records  
25 documenting compliance with this Chapter and does not allow OLSE reasonable access to such

1 records, it shall be presumed that the Contractor or Subcontractor did not comply with this Article,  
2 absent clear and convincing evidence otherwise. The Office of Treasurer and Tax Collector shall have  
3 the authority to provide any and all nonfinancial information to OLSE necessary to fulfill OLSE's  
4 responsibilities as the enforcing agency under this Chapter. With regard to all such information  
5 provided by the Office of Treasurer and Tax Collector, OLSE shall be subject to the confidentiality  
6 provisions of Subsection (a) of Section 6.22-1 of the San Francisco Business and Tax Regulations  
7 Code.

8 (d) The OLSE shall promulgate rules and regulations for the implementation of this  
9 Chapter.

10 **SEC. 12T.8. CHAPTER APPLIES ONLY TO EMPLOYMENT PRACTICES OF**  
11 **CONTRACTORS AND SUBCONTRACTORS.**

12 This Chapter shall not confer upon the City and County of San Francisco or any agency, board  
13 or commission thereof any power not otherwise provided by law to determine the legality of any  
14 existing collective bargaining agreement and shall have application only to employment practices by  
15 contractors or subcontractors engaged in the performance of City and County contracts or property  
16 contracts.

17 **SEC. 12T.9 NONAPPLICABILITY, EXCEPTIONS AND WAIVERS.**

18 (a) The OLSE shall waive the requirements of this Chapter under the following  
19 circumstances:

20 (1) Whenever the OLSE finds, upon the advice of the awarding authority, that there  
21 is only one prospective contractor willing to enter into a property contract with the City for use of City  
22 property on the terms and conditions established by the City, or that the needed goods, services,  
23 construction services for a public work or improvement, or interest in or right to use real property are  
24 available only from a sole source and the prospective contractor is not currently disqualified from

1 doing business with the City, or from doing business with any governmental agency based on any  
2 contract compliance requirements;

3 (2) If the contracting department, board or commission certifies in writing to the  
4 OLSE that pursuant to Administrative Code Sections 6.30 or 21.25 the contract or property contract is  
5 necessary to respond to an emergency which endangers the public health or safety and no entity which  
6 complies with the requirements of this Chapter capable of responding to the emergency is immediately  
7 available; provided that such certification must be made prior to the Controller's contract certification;

8 (3) Where the City Attorney certifies in writing to the OLSE that the contract  
9 involves specialized litigation requirements such that it would be in the best interests of the City to  
10 waive the requirements of this Chapter.

11 (b) This Chapter shall not apply where the prospective contractor is a public entity and the  
12 OLSE finds that goods, services, construction services for a public work or improvement or interest in  
13 or right to use real property of comparable quality or accessibility as are available under the proposed  
14 contract or property contract are not available from another source, or that the proposed contract or  
15 property contract is necessary to serve a substantial public interest.

16 (c) This Chapter shall not apply where the contracting officer finds that the requirements of  
17 this Chapter will violate or are inconsistent with the terms or conditions of a grant, subvention or  
18 agreement with a public agency or the instructions of an authorized representative of any such agency  
19 with respect to any such grant, subvention or agreement, provided that the contracting officer has made  
20 a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to  
21 authorize application of this Chapter.

22 (d) Upon the request of a potential contractor or upon the contracting officer's own  
23 initiative, after taking all reasonable measures to find an entity that complies with the law, the  
24 contracting officer may waive any or all of the requirements of this Chapter for any contract, property  
25 contract or bid package advertised and made available to the public, or any competitive or sealed bids

1 received by the City as of the date of the enactment of this ordinance under the following  
2 circumstances:

3 (1) Where the contracting officer determines that there are no qualified responsive  
4 bidders or prospective contractors who could be certified by the OLSE as being in compliance with the  
5 requirements of this Chapter and that the contract or property contract is for goods, a service or a  
6 project that is essential to the City or City residents; or

7 (2) Where the contracting officer determines that transactions entered into pursuant  
8 to bulk purchasing arrangements through federal, State or regional entities which actually reduce the  
9 City's purchasing costs would be in the best interests of the City; or

10 (3) Where the contracting officer determines that the requirements of this Chapter  
11 would result in the City's entering into a contract with an entity that was set up, or is being used, for the  
12 purpose of evading the intent of this Chapter, which is to prohibit the City from entering into contracts  
13 with entities that discriminate based on the criteria set forth in this Chapter;

14 (4) The waiver authority granted to contracting officers in this Section shall be  
15 subject to the requirements that:

16 (i) All proposed waivers must be submitted to the OLSE and the Clerk of the  
17 Board of Supervisors. All proposed waivers must set forth the reasons the contracting officer is  
18 requesting the waiver, what steps were taken to find an entity that complies with this Chapter and why  
19 the waiver does not defeat the intent of this Chapter, which is to prohibit the City from entering into  
20 contracts with entities that do not comply with the requirements of this Chapter to follow certain  
21 procedures when inquiring about and using criminal history information in employment and hiring  
22 decisions. Such waivers shall be subject to the prior approval of the OLSE, who shall take action  
23 approving or denying a proposed waiver within 30 days of receiving a notification of a proposed  
24 waiver from a contracting officer. If after 30 days the OLSE has taken no action on the proposed  
25

1 waiver, the waiver shall be deemed approved. The Clerk of the Board of Supervisors shall list the  
2 notice of the proposed waiver at the rear of the next available Board agenda, and

3 \_\_\_\_\_ (ii) Contracting officers report to the OLSE whenever such a waiver is  
4 granted within five days of granting the waiver, and

5 \_\_\_\_\_ (iii) For any contract subject to approval by the Board, the contracting officer  
6 shall state in the approving resolution whether any waiver under this section has been or is proposed to  
7 be granted for that contract, and

8 \_\_\_\_\_ (iv) The OLSE shall conduct quarterly comprehensive reviews of the use of  
9 the waiver authority by departments and shall make a report to the Board of Supervisors. Contracting  
10 officers who have exercised waiver authority under this Section in the previous quarter must appear  
11 before a Board of Supervisors committee and report on their use of such waiver authority. If the Board  
12 finds abuse of waiver authority by a department under this Section, either as a result of a report of the  
13 OLSE or upon its own initiative, the Board may by resolution transfer that waiver authority for that  
14 department to the OLSE, to be exercised by the OLSE upon recommendation of the contracting officer  
15 under any or all of the circumstances enumerated in this Section;

16 \_\_\_\_\_ (5) Nothing in this section shall limit the right of the Board of Supervisors to waive  
17 the provisions of this Chapter.

18 (e) This Chapter shall not apply to (i) the investment of trust moneys or agreements relating  
19 to the management of trust assets, (ii) City moneys invested in U.S. government securities or under pre-  
20 existing investment agreements, or (iii) the investment of City moneys where the Treasurer finds that:

21 \_\_\_\_\_ (1) No person, entity or financial institution doing business in the City and County  
22 which is in compliance with this Chapter is capable of performing the desired transactions(s); or

23 \_\_\_\_\_ (2) The City will incur a financial loss which in the opinion of the Treasurer would  
24 violate his or her fiduciary duties.



1        This subparagraph (e) shall be subject to the requirement that City moneys shall be withdrawn  
2        or divested at the earliest possible maturity date if deposited or invested with a person, entity or  
3        financial institution other than the U.S. government which does not comply with this Chapter.

4        (f) The General Manager of the Public Utilities Commission may waive the requirements of  
5        this Chapter where the contractor is providing wholesale or bulk water, power or natural gas, the  
6        conveyance or transmission of same, or ancillary services such as spinning reserve, voltage control, or  
7        loading scheduling, as required for assuring reliable services in accordance with good utility practice,  
8        to or on behalf of the San Francisco Public Utilities Commission; provided that the purchase of same  
9        may not practically be accomplished through the City's standard competitive bidding procedures; and  
10       further provided that this exemption shall not apply to contractors or franchisees providing direct,  
11       retail services to end users within the City and County of San Francisco.

#### 12        **SEC. 12T.11 SEVERABILITY**

13       If any part or provision of this Chapter, or the application thereof to any person or  
14       circumstance, is held invalid, the remainder of the Chapter, including the application of such part or  
15       provision to other persons or circumstances, shall not be affected thereby and shall continue in full  
16       force and effect. To this end, provisions of this Chapter are severable.

#### 17 18        Section 3. Effective Date and Operative Date.

19        (a) This ordinance shall become effective 30 days after enactment. Enactment  
20        occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
21        does not sign the ordinance within ten days of receiving it, or the Board of Supervisors  
22        overrides the Mayor's veto of the ordinance.

23        (b) This ordinance shall become operative 180 days after enactment and shall have  
24        prospective effect only, measured from the operative date forward.



1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By:

4 PAUL ZAREFSKY  
5 Deputy City Attorney

6 n:\legan\las2013\1400264\00890572.docx

## Legislation for Commission Review

BOS File No: 131120

Title: Planning Code, Zoning Map - Broadway Alcohol Restricted Use District

---

### Legislation Overview:

Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Sponsor(s): David Chiu

Date Introduced: 11/19/2013

Date Referred: N/A

### Description:

This legislation seeks to address the concentration of bars and clubs in the specified area and the perceived negative neighborhood impacts associated with them. It would create a new alcohol restricted use district (RUD) for all parcels with street frontage along Broadway between Columbus Avenue and Montgomery Street. The RUD would overlay atop the underlying Broadway Neighborhood Commercial District (NCD) zoning designation, and would prohibit all new on- and off-sale "liquor establishments," except the following:

- 1) Bars selling only beer and wine (ABC License Type 42)
- 2) *Bona fide* eating places, as defined in Planning Code Section 790.142
- 3) General or specialty grocery stores, as defined in Planning Code Sections 790.102 (a) or (b), respectively

Existing Broadway NCD zoning permits bars by-right (subject only to change of use review), while liquor stores, restaurants, and limited-restaurants require conditional use authorization.

The RUD would prohibit new or transferred ABC licenses for liquor establishments, although existing ABC licenses within the RUD may be transferred within or outside the RUD. ABC license transfers to a new location within the RUD would require a conditional use authorization.

This legislation places additional restrictions on the continued operation of existing liquor establishments, as defined, and certain uses otherwise exempted from the RUD regulations:

- 1) Establishes a one year abandonment period if a liquor establishment use is discontinued, which is shorter than the typical three year period in the Planning Code.
  - a. An abandonment shall not be deemed to have occurred provided that the discontinuation is the result of i) restoration, repair, or renovation; or, ii) a change in ownership; provided, however, that the location does not change, that the square footage used for alcohol sales does not increase, and that the ABC License Type does not change.
- 2) Specifies that *bona fide* eating places exempted from the legislation, and which possess ABC License Types 47 (On-sale General – Eating Place) or 49 (On-sale General – Seasonal), may operate past 12:00 AM only if they continue a substantial meal service as defined in the legislation.
  - a. Permitted hours of operation within the Broadway NCD for other types of businesses, including restaurants not serving alcohol, are 6 AM – 2 AM. A conditional use authorization is required to operate from 2-6 AM, although State law prohibits the sale of alcohol during this period.

The legislation contains a sunset provision which shall repeal the RUD two years after its initial effective date, unless extended or re-enacted by the Board of Supervisors.

**Key Questions:**

- 1) Does the conditional use authorization requirement for an ABC license transfer into the RUD apply to a) Bars selling only wine and beer (ABC License Type 42); b) Bona fide eating places; and/or, c) General or specialty grocery stores?
  - a. The draft legislation suggests it does not apply, as pg. 3, lines 22-23 state "... shall require a conditional use permit for the new *liquor establishment*" (emphasis added). Since such uses are not *liquor establishments* as defined in the legislation, it would appear this requirement does not apply.
- 2) Is the reference in Section 789(d)(3) [pg. 4, line 13] to ABC License Type 49 intended to refer to ABC License Type 41 (On-sale Beer & Wine – Eating Place)?
- 3) Will the operating hours restriction for *bona fide* eating places otherwise exempted from the legislation apply to existing *bona fide* eating places with these license types, or to only new establishments after the RUD's enactment? [Section 789(d)(3) [pg. 4, lines 13-14]].
  - a. It appears Planning Code Section 790.142 (Bona Fide Eating Place) already requires all *bona fide* eating places to serve meals while open. The hours stated in subsection (c), with the 10 PM dinner cut-off, seem to serve as a guideline for minimal dinner service, not a maximum cut-off.
  - b. It would be helpful to clarify the requirement applies to all *bona fide* eating places (new and existing) if that is the case; or, to eliminate this provision in the legislation since it may unfairly impact new restaurants competing with existing restaurants that can operate beyond midnight without meal service.

**Staff Assessment:**

The RUD controls as currently drafted appear reasonable and seek to address neighborhood concerns related to an overconcentration of certain types of alcohol-serving businesses. It will allow continued operation of existing liquor establishments, allowing for their repair and renovation, and will continue to provide an economically feasible use of property for new alcohol-serving restaurants and bars serving only beer and wine. Proposed operating hours restrictions are reasonable in that they simply require *bona fide* eating places to continue to operate in a manner consistent with that designation from midnight until 2 AM. However, if these hours restrictions apply only to new *bona fide* eating places, rather than to all *bona fide* eating places within the RUD, it could present an unfair economic disadvantage to new restaurants.

**Departments/Organizations to Consult:**

- 1) North Beach Business Association
- 2) Top of Broadway Community Benefits District (CBD)

# COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	<b>BEER MANUFACTURER</b> - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	<b>WINEGROWER</b> - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	<b>OFF SALE BEER &amp; WINE</b> - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	<b>OFF SALE GENERAL</b> - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	<b>SMALL BEER MANUFACTURER</b> - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	<b>ON SALE BEER</b> - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	<b>ON SALE BEER &amp; WINE – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	<b>ON SALE BEER &amp; WINE – PUBLIC PREMISES</b> - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	<b>ON SALE GENERAL – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	<b>ON SALE GENERAL – PUBLIC PREMISES</b> - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	<b>ON SALE GENERAL – SEASONAL</b> - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



<b>LICENSE TYPE</b>	<b>DESCRIPTION</b>
<b>51</b>	<b>CLUB</b> - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
<b>52</b>	<b>VETERAN'S CLUB</b> - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
<b>57</b>	<b>SPECIAL ON SALE GENERAL</b> - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
<b>59</b>	<b>ON SALE BEER AND WINE – SEASONAL</b> - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
<b>60</b>	<b>ON SALE BEER – SEASONAL</b> - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
<b>61</b>	<b>ON SALE BEER – PUBLIC PREMISES</b> - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
<b>67</b>	<b>BED AND BREAKFAST INN</b> - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
<b>70</b>	<b>ON SALE GENERAL – RESTRICTIVE SERVICE</b> - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
<b>75</b>	<b>ON SALE GENERAL – BREWPUB</b> - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. Also authorizes the sale of beer and wine only for consumption off the premises where sold. Minors are allowed on the premises.
<b>80</b>	<b>BED AND BREAKFAST INN – GENERAL</b> - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
<b>86</b>	<b>INSTRUCTIONAL TASTING LICENSE</b> —Issued to the holder of and premises of a Type 20 or Type 21 license, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



## LEGISLATIVE DIGEST

[Planning Code - Broadway Alcohol Restricted Use District]

**Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

The Planning Code establishes several Alcohol Restricted Districts. These are areas of the City where new establishments that sell alcohol (whether for consumption on- or off- the premises) are limited or prohibited. These restrictions are usually created in order to preserve the character of the different neighborhoods, and to address the numerous peace, health, safety and general welfare problems associated with the existence of a large concentration of establishments that sell alcohol. (See, e.g., Section 249.60 [Mission Alcoholic Beverage Special Use District]; Section 249.62 [Third Street Alcohol Restricted Use District]; Section 783 [Divisadero Street Alcohol Restricted Use District]; and Section 784 [Lower Haight Street Alcohol Restricted Use District].)

### Amendments to Current Law

This ordinance would create the new Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Ave. and Montgomery Street. In this Alcohol Restricted Use District, new on-sale or off-sale liquor establishments (except bars serving only wine and beer with an ABC License Type No. 42) would be prohibited. "On-sale" liquor establishments are bars, as defined in Planning Code Section 790.22; whereas "off-sale" liquor establishments are liquor stores, as defined in Planning Code Section 790.55.

The new Broadway Alcohol Restricted Use District would be automatically repealed two years after its initial effective date, unless the Board of Supervisors, on or before that date, extends or re-enacts it.

n:\legan\las2013\1400054\100886587.doc



[Planning Code, Zoning Map - Broadway Alcohol Restricted Use District]

Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~striketrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~striketrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.



1 (c) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

6 Section 2. The Planning Code is hereby amended by adding new Section 789, to read  
7 as follows:

8 SEC. 789. BROADWAY ALCOHOL RESTRICTED USE DISTRICT.

9 (a) Findings. There is an unusually large number of establishments dispensing alcoholic  
10 beverages for consumption on Broadway, between Columbus Avenue and Montgomery Street. The  
11 existence of so many alcoholic beverage establishments, particularly bars and clubs selling spirits,  
12 appears to contribute directly to numerous peace, health, safety and general welfare problems in the  
13 area, including loitering, littering, public drunkenness, defacement and damaging of structures, and  
14 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and  
15 neighborhood. The existence of such problems creates serious impacts on the health, safety and  
16 welfare of residents of nearby single- and multiple-family areas, including fear for the safety of  
17 children, elderly residents, and visitors to the area. The problems also contribute to the deterioration of  
18 the neighborhood and concomitant devaluation of property and destruction of community values and  
19 quality of life. The number of establishments selling alcoholic beverages and the associated problems  
20 discourage more desirable and needed commercial uses in the area.

21 (b) Establishment of the Broadway Alcohol Restricted Use District. In order to preserve the  
22 residential character and the neighborhood-serving commercial uses of the area, the Broadway  
23 Alcohol Restricted Use District is hereby established, covering all parcels with street frontage on  
24 Broadway, between Columbus Ave. and Montgomery Street. The Broadway Alcohol Restricted Use

1 District shall be designated on Map Sheet Number SU-02 on the Zoning Map of the City and County of  
2 San Francisco.

3 (c) Definitions.

4 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
5 defined by California Business & Professions Code Section 23004 and 23025, pursuant to a California  
6 Alcoholic Beverage Control Board license. It shall not be interpreted to mean an establishment that  
7 (A) operates as a Bona Fide Eating Place, as defined in Section 790.142 of this Code, or (B) operates  
8 as an "other retail sales and service" use that sells general groceries or specialty groceries, as defined  
9 in Planning Code Section 790.102 (a) or (b), respectively.

10 (2) An "off sale liquor establishment" shall mean a Liquor Store as defined in Planning  
11 Code Section 790.55.

12 (3) An "on sale liquor establishment" shall mean a Bar as defined in Planning Code  
13 Section 790.22.

14 (d) Controls.

15 (1) No new on-sale or off-sale liquor establishment (except bars serving only wine and  
16 beer with a California Department of Alcoholic Beverage Control Liquor License ("ABC License")  
17 Type No. 42) shall be permitted in the Broadway Alcohol Restricted Use District. A liquor  
18 establishment located in the Broadway Alcohol Restricted Use District may transfer its alcohol license  
19 to another site, either within or outside the Broadway Alcohol Restricted Use District. A liquor  
20 establishment located outside the Broadway Alcohol Restricted Use District shall not transfer any  
21 alcohol license to a liquor establishment located within the Broadway Alcohol Restricted Use District.  
22 Any transfer of a liquor an alcohol license to a new location within the Broadway Alcohol Restricted  
23 Use District shall require a conditional use permit for the new liquor establishment.

24 (2) Whenever a liquor establishment has discontinued its use for a continuous period of  
25 one year or more, the liquor establishment shall be deemed to have abandoned its use as a liquor

1 establishment; provided that a break in continuous operation shall not be interpreted to include the  
2 following, as long as the location of the establishment does not change, the square footage used for the  
3 sale of alcoholic beverages does not increase, and the type of ABC License does not change;

4 (A) Re-establishment, restoration or repair of an existing liquor establishment  
5 on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident  
6 or other force majeure; or

7 (B) Temporary closure of an existing liquor establishment for repair, renovation  
8 or remodeling, provided that permit applications for the repair, renovation or remodeling work shall  
9 be submitted to the City upon or prior to the temporary closure and such permits and work shall be  
10 pursued diligently to completion; or

11 (C) A change in ownership of a Liquor Establishment or an owner-to-owner  
12 transfer of an ABC License.

13 (3) New Restaurants with ABC Licenses Types 47 and 49 may operate past 12:00  
14 midnight provided that the Restaurant serves food in the following manner, until the time it closes:

15 (A) It continues to serve meals to guests for compensation and has available  
16 kitchen facilities connected therewith, for cooking of an assortment of foods which may be required for  
17 ordinary meals; and

18 (B) "Meals" that are offered after midnight shall mean an assortment of foods  
19 commonly ordered at various hours of the day for breakfast, lunch or dinner. Incidental food service,  
20 comprised only of appetizers to accompany drinks, is not considered a meal. Incidental, sporadic or  
21 infrequent sales of meals or a mere offering of meals without actual sales is not compliance; and

22 (C) "Guests" shall mean persons who come to the Restaurant after midnight for  
23 the purpose of obtaining, and actually order and obtain at such time, a meal therein. Nothing in this  
24 section, however, shall be construed to require that any food be sold or purchased with any beverage.

1 (e) Sunset Provision. This Section 789 shall be repealed two (2) years after its initial Effective  
2 Date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

3 Section 3. Effective Date. This ordinance shall become effective 30 days after  
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
6 of Supervisors overrides the Mayor's veto of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 ANDREA RUIZ-ESQUIDE  
12 Deputy City Attorney

13 n:\legan\las2013\1400054\00884345.doc





SMALL BUSINESS COMMISSION

Legislation and Policy Committee

DRAFT Meeting Minutes



Monday, January 13, 2014

3:30 P.M.

CITY HALL, ROOM 34

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

**1. Call to order and roll call.**

The meeting was called to order at 3:39 PM. Commissioners Adams, Ortiz-Cartagena, and Yee Riley were present. Commissioner Ortiz-Cartagena departed the meeting at 4:25 PM, after consideration of Item 5 and before consideration of Item 6.

**2. Approval of minutes from the November 18, 2013 meeting. (Action Item)**

Explanatory Documents: Draft minutes from the November 18, 2013 meeting

Motion: Commissioner Yee Riley motioned to adopt the meeting minutes as drafted.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

Absent: None

GOVERNMENT  
DOCUMENTS DEPT

JUN 20 2014

SAN FRANCISCO  
PUBLIC LIBRARY

**3. General Public Comment. (Discussion Item)**

General Public Comment was called for and no members of the public requested to speak.

**4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131062 [Police Code - Reporting Information About Employees of Private Parking Garages and Parking Lots]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131062; BOS File No. 131062 Legislative Digest

Acting Commission Secretary Murdock called the item, and informed the Committee that the staff presenter was not yet in attendance. The Committee reordered the agenda to hear Item 5 before Item 4.

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 (PHONE)  
415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Motion: Commissioner Yee Riley motioned to reorder the agenda to hear Item 4 after hearing Item 5.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

Absent: None

\*\*\*After hearing Item 5, the Committee returned to Item 4.\*\*\*

Andres Power, Legislative Aide to Supervisor Scott Wiener, presented. He summarized the legislation's provisions, which he said will add only a small reporting burden for private parking garage and lot operators. Mr. Power discussed his interactions with the Teamsters Union in development of this legislation. The Union was interested in developing this legislation due to concerns about unfair competitive and illegal labor practices perpetrated by some private parking lot operators. Such practices, according to the Union, evade wage, benefit, and other labor standard laws.

Commissioner Ortiz-Cartagena stated that the first business he ever founded was a parking business, and so he is familiar with the current requirements. He agrees there is rampant theft of parking taxes by some parking operators. However, he does not see a clear relationship between ZIP Code and gender information, and legal violations.

Mr. Power explained that collection of ZIP Code information helped the City better understand whether residents from certain geographic locations were being disproportionately hired into certain parking operations. No information being reported will tie individual names to specific ZIP Codes. Gender information will also provide general descriptive information on hiring practices and any disproportionate representation from one of the genders that is out of expected norms in the city.

Commissioner Ortiz-Cartagena next asked how this information will be used if something unusual is identified. Mr. Power explained it may supplement enforcement efforts by other departments by giving them additional information, and may inform future legislative efforts if particular trends are identified.

Commissioner Yee Riley asked why this legislation will only apply to private parking operators. Mr. Power explained that the problem presented to Supervisor Wiener's office was related to private parking operators only. Commissioner Ortiz-Cartagena added that it seemed unusual to limit this only to private parking operators, since some of the largest identified parking tax cheats involved public parking facilities.

Commissioner Yee Riley asked Mr. Power to ensure the legislation was more specific as to why these data are needed, how they will be used, and by whom. She cannot answer these questions from reading the information, and that is a concern for her. Commissioner Ortiz-Cartagena agreed. Mr. Power said he thought Supervisor Wiener would be supportive of that and would discuss it with him.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to rehear this item at the next Legislation & Policy Committee meeting before advancing the item to the full Small Business Commission.

2<sup>nd</sup>: Ortiz-Cartagena

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

Absent: None

5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131192 [Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions].** (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131192

\*\*\*The Committee heard Item 5 before Item 4 after reordering the agenda (see Minutes for Item 4).\*\*\*



Acting Commission Secretary Murdock provided the committee an overview of the legislation.

Ivy Lee, Legislative Aide to Supervisor Jane Kim, presented. She thanked Commissioner Ortiz-Cartagena for his help and insights developing this legislation, and Director Dick-Endrizzi for her feedback early in the process. Ms. Lee described the broadly inclusive process used to develop this legislation. She believes it will be effective while preserving public safety.

Commissioner Ortiz-Cartagena commended Supervisor Kim and Ms. Lee on what he believes was the most inclusive, best discussed piece development of legislation he has encountered.

Commissioner Yee Riley asked for confirmation that an employer could still request a background check. Ms. Lee confirmed that was the case, but that employers would not be able to ask about convictions on the job application and could only request a background check after a live interaction with an applicant.

Commissioner Adams commented that certain federal banking regulations require inquiries into conviction history. Ms. Lee noted that the legislation has strong preemption language to clarify that state or federal laws requiring inquiries into an applicant's conviction history would take precedence.

Commissioner Adams added that he is especially supportive of the housing component of the legislation, as he has known people in the past who struggled to find appropriate housing after checking an application box confirming a past conviction.

Director Dick-Endrizzi mentioned her outreach to the San Francisco Chamber of Commerce. The Chamber is supportive of the legislation provided two amendments are made that are not shown in the version before the Committee. Ms. Lee summarized those changes, which will be introduced at an upcoming Board of Supervisors meeting: 1) Eliminate the requirement for a post-denial report provided to applicants by the employer specifying the reason for denial; and, 2) Alter administrative enforcement language to allow enforcement against employers that continue with a categorical employment ban against all persons with past convictions regardless of the circumstances or relatedness to the open position. In the former case, instead of a final report, businesses will now be required only to circle the conviction of concern when providing a copy of the background check report to the applicant.

Public Comment was called for and no members of the public requested to speak.

Motion: Commissioner Ortiz-Cartagena motioned to recommend approval to the Small Business Commission of the legislation with the two pending amendments.

2<sup>nd</sup>: Yee Riley

Ayes: Adams, Ortiz-Cartagena, Yee Riley

Nays: None

Absent: None

**6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131120 [Planning Code, Zoning Map - Broadway Alcohol Restricted Use District]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131120; BOS File No. 131120 Legislative Digest

Acting Commission Secretary Murdock notified the Committee that Supervisor David Chiu's legislative aide assigned to this legislation was on leave and unable to attend the Committee meeting. Staff provided questions to her prior to the Committee meeting but did not receive responses.

Commissioner Adams asked when the Board of Supervisors will hear this item. Director Dick-Endrizzi stated the item must first go before the Planning Commission, which is anticipated on February 6, 2014. Commissioner Adams said he wants to hear this legislation at the full Commission only after the Planning Commission has heard it.

Commissioner Adams then expressed his concerns about the legislation. He noted that the section of Broadway in question is the historic Barbary Coast, and certain types of entertainment establishments have been there since 1849.



Public Comment was called for and no members of the public requested to speak.

No action was taken.

7. **Review and discussion of SBC/OSB projects and assignments to the Committee.** (Discussion Item)

Director Dick-Endrizzi provided an overview of current activities.

8. **Commissioner Reports.** (Discussion Item)

None.

9. **New Business.** (Discussion and Possible Action Item)

None.

10. **Adjournment.** (Action Item)

Motion: Commissioner Adams motioned to adjourn.

2nd: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

The meeting was adjourned at 4:44 PM.



SMALL BUSINESS COMMISSION

Legislation and Policy Committee

Notice of Meeting & Agenda



Monday, January 27, 2014

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Meeting will begin following the Small Business Commission meeting at 2:00 PM in Room 400

COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners William Ortiz-Cartagena, Irene Yee Riley

JAN 24 2014

1. Call to order and roll call.
2. General Public Comment. (Discussion Item)
3. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131205 [Planning Code - Production, Distribution, and Repair Zoning]: Ordinance amending the Planning Code to address various revisions to Production, Distribution, and Repair (PDR), integrated PDR, and small enterprise workplace zoning controls to facilitate the establishment of such uses; amending the Administrative Code to delete requirements concerning reporting on integrated PDR, affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131205; BOS File No. 131205 Legislative Digest

Presentation by Jon Lau, Office of Economic and Workforce Development

4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131208 [Health Code - Restrictions on Sale and Use of Electronic Cigarettes]: Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131208; BOS File No. 131208 Legislative Digest

Presentation by Victor Lim, Legislative Aide to Supervisor Eric Mar

5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131120 [Planning Code, Zoning Map - Broadway Alcohol Restricted Use District]: Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131120; BOS File No. 131120 Legislative Digest

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, ROOM 110

SAN FRANCISCO, CA 94102

415.554.6134 (PHONE)

415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

LUKE O'BRIEN

WILLIAM ORTIZ-CARTAGENA

IRENE YEE RILEY

MONETTA WHITE

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

Presentation by Catherine Rauschuber, Legislative Aide to Supervisor David Chiu

6. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131207 [Environment Code - Bottled Water]:** Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131207; BOS File No. 131207 Legislative Digest

Presentation by Catherine Rauschuber, Legislative Aide to Supervisor David Chiu

7. **Review and discussion of SBC/OSB projects and assignments to the Committee.** (Discussion Item)
8. **Commissioner Reports.** (Discussion Item)
9. **New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion and Possible Action Item)
10. **Adjournment.** (Action Item)

Public Comment will be taken before or during the Committee's consideration of each agenda item. Copies of explanatory documents and other related materials listed in this agenda are available for public inspection and/or copying at City Hall, Room 110. Please call the Office of Small Business at (415) 554-6134 to make arrangements for pick up or review.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

Frank Darby, Administrator  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [soff@sfgov.org](mailto:soff@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Disability Access Policy**

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the Veterans Building are 42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services call 923-6142. Accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

### **Translation Services**

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodation, please call the Department of Human Services staff support representative at 557-5989 at least two business days before a meeting.

### **Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Ave., Suite 3900, SF 94102 (415) 581-2300, FAX (415) 581-2317 and web site address at <http://www.sfgov.org/ethics/>.

### **Chemical Sensitivity**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



## LEGISLATIVE DIGEST

[Planning Code - Production, Distribution, and Repair Zoning]

**Ordinance amending the Planning Code to address various revisions to Production, Distribution, and Repair (PDR), integrated PDR, and small enterprise workplace zoning controls to facilitate the establishment of such uses; amending the Administrative Code to delete requirements concerning reporting on integrated PDR, affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

The Planning Code contains zoning controls that regulate PDR (production, distribution, and repair), Integrated PDR (PDR combined with other associated uses), and small enterprise workspace (SEW) uses in the Eastern Neighborhoods Plan Areas, which comprise portions of the southeastern part of San Francisco. The Administrative Code includes the Eastern Neighborhoods Plan Areas monitoring program that addresses various reporting and monitoring activities for these areas.

### Amendments to Current Law

This Ordinance would amend the Planning Code to simplify the procedures related to establishment of PDR, IPDR, and SEW uses; allow PDR uses to share accessory retail space; and create PDR at specified self-storage uses. The legislation also would clarify the definition of PDR. The Ordinance would delete various Planning Code requirements related to these uses that are no longer necessary, including the Design and Development Special Use District and the Restricted IPDR Special Use District. The legislation would amend the Administrative Code to delete the IPDR reporting requirement. The Ordinance would affirm the Planning Department's environmental determination and adopt findings of consistency with the General Plan and Priority Policies of Planning Code Section 101.1.



[Planning Code - Production, Distribution, and Repair Zoning]

Ordinance amending the Planning Code to address various revisions to Production, Distribution, and Repair (PDR), integrated PDR, and small enterprise workplace zoning controls to facilitate the establishment of such uses; amending the Administrative Code to delete requirements concerning reporting on integrated PDR, affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strikethrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strikethrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) In 2008, the Board of Supervisors adopted the Eastern Neighborhoods Plan and related zoning, in part to refine the City's approach to PDR (production, distribution, and repair) uses and to preserve and encourage such uses in the southeastern neighborhoods of the City. This legislative package is comprised of Ordinance Nos. 297-08, 298-08, and 299-08, copies of which are on file with the Clerk of the Board of Supervisors in File Nos. 081152, 081153, and 081154 respectively, and incorporated herein by reference. Since the adoption of this Plan and its associated zoning, the City has determined that the continued



1 establishment, evolution, and adaptation of these uses demands a more responsive set of  
2 zoning controls in the Planning Code.

3 (b) The amended zoning controls in this legislation attempt to satisfy the following  
4 goals: (1) Make it easier to establish PDR as a principally permitted use; (2) Allow PDR uses  
5 to share accessory retail space; (3) Simplify the "Integrated PDR" (IPDR) controls; (4) Entice  
6 the development of PDR on underdeveloped parcels in PDR Districts; (5) Support creation of  
7 new PDR space in re-built non-conforming self-storage uses; (6) Make "Small Enterprise  
8 Workspace" (SEW) to be more attractive to build; (7) Remove the Design and Development  
9 Special Use District; and (8) Clean up the definition of PDR.

10 (c) The Planning Department has determined that the actions contemplated in this  
11 Ordinance comply with the California Environmental Quality Act (California Public Resources  
12 Code Section 21000 et seq.). The Board of Supervisors hereby affirms this determination. A  
13 copy of said determination is on file with the Clerk of the Board of Supervisors in File No.  
14 \_\_\_\_\_ and incorporated herein by reference.

15 (d) Pursuant to Planning Code Section 302, the Board finds that the proposed  
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
17 Planning Commission Resolution No. \_\_\_\_\_, which reasons are incorporated herein by  
18 reference as though fully set forth. A copy of Planning Commission Resolution No. \_\_\_\_\_ is  
19 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

20 (e) At a duly noticed public hearing held on \_\_\_\_\_, 2014, the Planning  
21 Commission in Resolution No. \_\_\_\_\_ found that the proposed Planning Code amendments  
22 contained in this ordinance are consistent with the City's General Plan and with the Priority  
23 Policies of Planning Code Section 101.1. The Commission recommended that the Board of  
24 Supervisors adopt the proposed Planning Code amendments. The Board finds that the  
25 proposed Planning Code amendments contained in this ordinance are consistent with the

1 City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the  
2 reasons set forth in said Resolution.  
3

4 Section 2. The Planning Code is hereby amended by deleting Sections 175.8,  
5 249.35B, 249.39, 413.7, 428A, revising Sections 181, 204.3, 226, 227, and 890.49, and  
6 adding Section 219.1, to read as follows:

7 ~~**SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.**~~

8 ~~*—Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require*~~  
9 ~~*conditional use authorization five years after the effective date of Ordinance Number 298-08 in order*~~  
10 ~~*to allow for greater scrutiny of Integrated PDR uses in light of the City's Enterprise Zone Payroll Tax*~~  
11 ~~*Credit program. The Planning Commission and Board of Supervisors should consider revising this*~~  
12 ~~*control to continue permitting Integrated PDR uses if data show that 25 percent of all employees in*~~  
13 ~~*areas Integrated PDR uses are eligible for the City's Enterprise Zone Payroll Tax Credit.*~~

14 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**  
15 **RECONSTRUCTION.**

16 (a) A nonconforming use, and any structure occupied by such use, shall not be  
17 enlarged, intensified, extended, or moved to another location, with the exception of the  
18 construction of a mezzanine within a live/work unit and expansion of dwelling units in PDR  
19 Districts, unless the result will be elimination of the nonconforming use, except as provided in  
20 Paragraph (b)(3) and (i) below and Section 186.1 of this Code. A nonconforming use shall not  
21 be extended to occupy additional space in a structure, or additional land outside a structure,  
22 or space in another structure, or to displace any other use, except as provided in Sections 182  
23 and 186.1 of this Code.

24 (b) A structure occupied by a nonconforming use shall not be constructed,  
25 reconstructed or altered, unless the result will be elimination of the nonconforming use, except

1 as provided in Section 186.1 of this Code and in Subsections (a) above and (d), (e), (f) and (g)  
2 below, and except as follows:

3 (1) Ordinary maintenance and minor repairs shall be permitted where necessary to  
4 keep the structure in sound condition, as well as minor alterations, where such work is limited  
5 to replacement of existing materials with similar materials placed in a similar manner.

6 (2) Minor alterations shall be permitted where ordered by an appropriate public official  
7 to correct immediate hazards to health or safety, or to carry out newly enacted retroactive  
8 requirements essential to health or safety.

9 (3) Alterations otherwise allowed by this Code shall be permitted for any portion of the  
10 structure that will not thereafter be occupied by the nonconforming use, provided the  
11 nonconforming use is not enlarged, intensified, extended, or moved to another location.

12 (4) All other alterations of a structural nature shall be permitted only to the extent that  
13 the aggregate total cost of such other structural alterations, as estimated by the Department of  
14 Public Works, is less than ½ of the assessed valuation of the improvements prior to the first  
15 such alteration, except that structural alterations required to reinforce the structure to meet the  
16 standards for seismic loads and forces of the Building Code shall be permitted without regard  
17 to cost.

18 (c) A dwelling or other housing structure exceeding the permitted density of dwelling  
19 units or other housing units set forth in Sections 207.5, 208, 209.1, 209.2, or 215 of this Code  
20 for the district in which it is located shall be classified as a nonconforming use under Section  
21 180 of this Code, but only to the extent that such dwelling or other housing structure exceeds  
22 the permitted density. This Section 181 shall apply with respect to enlargements, alterations  
23 and reconstruction of the nonconforming portion of such dwelling or other housing structure,  
24 consisting of those dwelling units or other housing units which exceed the permitted density.  
25 Any dwelling unit or other housing unit coming within the density limit shall not be affected by

1 this Section 181. Except as provided in Sections 181(h) and 182(e), no dwelling or other  
2 housing structure exceeding the permitted density of dwelling units or other housing units  
3 shall be altered to increase the number of dwelling units or other housing units therein, or to  
4 increase or create any other nonconformity with respect to the dwelling unit or other housing  
5 unit density limitations of Section 209.1 or Section 209.2.

6 (d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied  
7 by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of  
8 God, or by the public enemy, may be restored to its former condition and use; provided that  
9 such restoration is permitted by the Building Code, and is started within eighteen months and  
10 diligently prosecuted to completion. The age of such a structure for the purposes of Sections  
11 184 and 185 shall nevertheless be computed from the date of the original construction of the  
12 structure. Except as provided in Subsection (e) below, no structure occupied by a  
13 nonconforming use that is voluntarily razed or required by law to be razed by the owner  
14 thereof may thereafter be restored except in full conformity with the use limitations of this  
15 Code.

16 For purposes of this Subsection (d), "started within eighteen months" shall mean that  
17 within eighteen months of the fire or other calamity or Act of God, the structure's owner shall  
18 have filed a building permit application to restore the structure to its former condition and use.

19 (e) In order that major life safety hazards in structures may be eliminated as  
20 expeditiously as possible, a structure containing nonconforming uses and constructed of  
21 unreinforced masonry that is inconsistent with the requirements of the UMB Seismic Retrofit  
22 Ordinance, Ordinance No. 227-92, may be demolished and reconstructed with the same  
23 nonconforming use or a use as permitted by Planning Code Section 182; provided that there  
24 is no increase in any nonconformity, or any new nonconformity, with respect to the use  
25 limitations of this Code; provided further that the current requirements of the Building Code,

1 the Housing Code and other applicable portions of the Municipal Code are met; and provided  
2 further that such restoration or reconstruction is started within one year after razing or other  
3 demolition work on the structure and diligently prosecuted to completion.

4 (f) A nighttime entertainment use within the RSD, MUG, MUR, or SLR Districts may  
5 be enlarged, intensified, extended or expanded, including the expansion to an adjacent lot or  
6 lots, provided that: (1) the enlargement, intensification, extension or expansion is approved as  
7 a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole  
8 meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and  
9 all other requirements of this Code which would apply if the use were a permitted one; and (3)  
10 the provisions of Section 803.5(b) of this Code are satisfied.

11 (g) Automotive sales and service signs within the Automotive Special Use District  
12 which have all required permits but which do not comply with the controls for new signs  
13 established in Section 607.3 of this Code shall be permitted to remain as nonconforming uses  
14 and shall be permitted to modify the signage text to describe new automobile ownerships and  
15 dealerships that may occur from time to time.

16 (h) In PDR Districts, no building containing a residential use shall be altered to  
17 increase the number of dwelling units or other housing units therein. However, individual  
18 dwelling units or other housing units may be expanded, subject to height, bulk, and all other  
19 provisions of this Code which would otherwise be applicable to dwelling units or other housing  
20 units in the Urban Mixed Use District.

21 (i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a non-  
22 residential nonconforming use may expand in gross floor area by no more than 25 percent  
23 with conditional use authorization pursuant to Section 303 of this Code. Such conditional use  
24 authorization may not be granted for any subsequent or additional expansion beyond the  
25 initial 25 percent.

1 (j) In the PDR-1-D, PDR-1-G, and PDR-2 Districts, a storage building for household goods  
2 shall be allowed to rebuild to its current square footage, as long as it provides at least one FAR of PDR  
3 uses, as defined in Section 401. A Notice of Special Restriction (NSR) shall be recorded on the title of  
4 any property receiving approval under this Section. This NSR shall provide the Planning Department  
5 with the ability to enforce the provisions of this Section.

6 **SEC. 204.3. ACCESSORY USES IN C, M, AND PDR DISTRICTS.**

7 (a) No use shall be permitted as an accessory use to a lawful principal or conditional  
8 use in any C-1 or C-2 District which involves or requires any of the following:

9 (1) The total employment for such accessory use of more than five persons in a C-1  
10 District, or more than 10 persons in a C-2 District;

11 (2) The use of any single machine of more than one horsepower in a C-1 District, or  
12 more than 2½ horsepower in a C-2 District;

13 (3) The use of machines in any one establishment in an aggregate of more than five  
14 horsepower in a C-1 District, or more than 10 horsepower in a C-2 District;

15 (4) The use of more than ¼ of the total floor area occupied by such use and the  
16 principal or conditional use to which it is accessory, except in the case of accessory off-street  
17 parking or loading; or

18 (5) The production of goods not intended primarily for retail sale or use on the  
19 premises.

20 (b) No use shall be permitted as an accessory use to a lawful principal or conditional  
21 use in any C-3 District which involves or requires the use of any single machine of more than  
22 five horsepower; or the use of more than ¼ of the total floor area occupied by such use and  
23 the principal or conditional use to which it is accessory, except in the case of accessory off-  
24 street parking and loading. These limitations shall not apply to equipment or machines  
25 pertaining integrally to the lawful principal use itself.

1 (c) Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M)  
2 of this Code, an accessory use to a lawful principal or conditional use in any C or M District  
3 which involves or requires the installation of a tower or antenna solely for the reception of  
4 radio and television broadcasts for the exclusive benefit of the residents or occupants in the  
5 building on which the antenna is placed shall be permitted without regard to the height of such  
6 tower or antenna and without regard to the proximity of such tower or antenna to any R  
7 District.

8 (d) No use shall be permitted as an accessory use to a lawful principal or conditional  
9 use in any PDR District which involves or requires the use of more than one-third (1/3) of the  
10 total floor area occupied by such use and the principal or conditional use to which it is  
11 accessory, except in the case of accessory retail, off-street parking, and loading. For  
12 accessory retail, multiple PDR uses within a single building may combine their accessory retail  
13 allotment into a single space, as long as the shared retail space is allocated proportionally to the size  
14 of each contributing PDR use, and the total allotment of accessory retail space per use does not exceed  
15 what otherwise would be permitted by this Section.

16 **SEC. 219.1. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF NEW**  
17 **PDR SPACE IN THE PDR-I-D AND PDR-I-G DISTRICTS.**

18 (a) Purpose. The purpose of this provision is to support the increase in the overall stock of  
19 PDR space in the City. Despite consistent and growing demand for PDR space in San Francisco, the  
20 economics of building new PDR space are very challenging, even in PDR zoning districts where these  
21 uses do not compete for land with other more economically-attractive uses. One way to make such  
22 development economically viable is to utilize the value of other non-residential space, such as office  
23 and institutional uses, to subsidize the construction of PDR space on properties that are largely vacant  
24 or substantially underutilized and that do not contain significant PDR space that would be demolished.

25 (b) Geography. This provision applies to parcels that meet all of the following criteria:



1 (1) Are located in either the PDR-1-D or PDR-1-G Districts;

2 (2) Are located north of 20th Street;

3 (3) Contain less than 0.3 gross floor area as of the date of this legislation; and

4 (4) Are 20,000 square feet or larger.

5 (c) Controls. The Planning Commission may permit, per the procedures described below in

6 Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

7 (1) At least 1/3 of the total gross floor area developed on the parcel shall contain PDR uses, as  
8 defined in Section 401.

9 (2) For purposes of this Subsection, every square foot of Integrated PDR, as defined in Section  
10 890.4, or Small Enterprise Workspace, as defined in Section 227(t), shall count as 0.5 square feet of  
11 PDR space and 0.5 square feet of non-PDR space as specified in Subsection (3) below.

12 (3) The non-PDR space may contain one or both of the following uses:

13 \_\_\_\_\_ (A) Office, as defined in Section 890.70; and/or

14 \_\_\_\_\_ (B) Institutions, Other, as defined in Section 890.50.

15 (4) Uses other than those listed in Subsections (2) and (3) above, such as retail, are subject to  
16 the controls of the underlying district.

17 (5) No residential uses are permitted.

18 (6) The PDR space in any building must be served by:

19 \_\_\_\_\_ (A) One or more freight elevators, for any PDR space not at street level;

20 \_\_\_\_\_ (B) Off-street loading in accordance with Code Section 152; and

21 \_\_\_\_\_ (C) Minimum ceiling heights of seventeen feet floor-to-floor on the ground floor, and  
22 fourteen feet floor-to-floor on the second floor and above.

23 (7) The project shall meet the Transportation Management Program requirements of Section  
24 163(c) of the Planning Code.



1 (8) Accessory parking for uses listed in subsection (2) above may be permitted up to one space  
2 per each 1,500 square feet of occupied floor area, and all such parking shall be subject to the pricing  
3 requirements of Section 155(g).

4 (9) The first Certificate of Occupancy for the PDR portion of the development must be issued  
5 by the Department of Building Inspection before and concurrently with the first Certificate of  
6 Occupancy for the non-PDR portion of the development unless the PDR and non-PDR portions are  
7 part of a single site or building permit.

8 (d) Approvals.

9 (1) All projects seeking entitlement pursuant to this Section 219.1 shall be required to receive a  
10 Conditional Use authorization, per Section 303 of the Planning Code. In evaluating a proposed  
11 authorization under this Section, the Planning Commission shall consider:

12 (A) The likely viability of the new PDR space created by the development, as influenced  
13 by such factors as whether the project sponsor has developed a PDR business plan, has the  
14 commitments of established PDR tenants, and/or a demonstrated relationship with organizations  
15 established in the PDR community.

16 (B) Whether the project is an appropriate location and intensity for the proposed non-  
17 PDR use, including but not limited to whether the location of non-PDR uses would be compatible with  
18 or disruptive to PDR uses on the site and in the vicinity, recognizing that PDR uses may generate noise,  
19 vibrations, odors, trucking activity, or other PDR-related operational characteristics.

20 (2) A Notice of Special Restriction ("NSR") shall be recorded on the title of any property  
21 receiving approval under this Section 291.1. Such NSR shall:

22 (A) Designate the PDR portion of parcel;

23 (B) State that the proportion of gross floor area on the site dedicated to PDR uses shall  
24 never be less than 1/3 of the total gross floor area on the parcel, including any future building or use  
25 alterations or expansions;

(C) Require the property owner to submit an annual report to the Planning Department, on January 31 of each year, detailing the PDR tenants on the property for the prior year their respective square footages, number of employees, contact information for each company, a description of the business or industry characteristics of each business, and the PDR space vacancy on the parcel as of the date of each report; and.

(D) Provide the Planning Department with the ability to enforce the provisions of this Section.

## SEC. 226. MANUFACTURING AND PROCESSING.

### SEC. 226. MANUFACTURING AND PROCESSING.

C-1	C-2	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2
		P	P	P	P	P	P	NA	NA	P	P	P under 5,000 gsf	P

### SEC. 226. MANUFACTURING AND PROCESSING.

(a) Light manufacturing uses, involving only the assembly, packaging, repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:

(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;

(2) That the mechanical equipment required



1													entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 20 feet of any R District.
2													
3													
4													
5													
6													
7								P	P	P	P	P under 5,000 gsf	(d) Light manufacturing, not including any use first specifically listed below.
8													
9													
10			P	P	P	P	P	P	P	P	P	P under 2,500 gsf	(e) <del>Industrial or chemical research or testing laboratory, not involving any danger of explosions.</del>
11													
12													
13			P	P	P	P	P	P	P				(f) <del>Life Science laboratory (as defined in Sections 890.52 and 890.53).</del>
14													
15													
16								P	P	P			(g) <del>Battery manufacture, if conducted on premises not less than 200 feet from any R District.</del>
17													
18													
19													
20													
21								P	P	C	C		(h) Any of the following uses, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
22													
23													
24													
25								P	P	C	C		(1) Automobile

															assembling.
(2) Bottling plant, brewery, dairy products plant, malt manufacturing or processing or malt products plant;								P	P	C	P			P	
(3) Ice manufacturing plant;								P	P	C	C			C	
(4) Concrete mixing—concrete products manufacture;								P	P	C	C			C	
(5) Electric foundry or foundry for nonferrous metals;								P	P	C	C			C	
(6) Metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drophammers.								P	P	P	P			P	
(7) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and vehicles;								P	P	C	C			C	
(8) Woodworking mill, manufacture of wood-fibre, sawdust or excelsior products not involving chemical processing.								P	P	C	C			C	
(i) Curing, smoking, or drying fish; Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair									P	C	C-P			C-P	

[illegible]







	C-1	C-2	C-3-G	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2
	N	N	N	N	N	N	N	N	N	P	P	NP	<del>NP</del>
	A	A	A	A	A	A	A	A	A				

(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single-building use that is comprised of discrete workspace units which are independently accessed from building common areas.

(1) The S.E.W. building must meet the following additional requirements:

(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);

(B) Any retail uses are subject to any per parcel size controls of the subject zoning district;

(C) No residential uses shall be permitted;

(D) ~~Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent~~ Each of the units in the building must contain no more than ~~2,500~~ 1,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below

(E) An S.E.W. building may contain units larger than ~~2,500~~ 1,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of

this Section, a PDR use is one identified in Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) of this Code. Such PDR units may be independently accessible from the street.

(F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. ~~To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.~~

(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section.

(3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.

* * * * *										* * * * *									
	P	P	P	P	P	P	P	P	P	P		P	<u>P under</u>						
													<u>2,500</u>	P					(w) <u>Industrial or chemical</u>
													<u>gsf</u>						<u>research or testing laboratory, not</u>
																			<u>involving any danger of explosions.</u>
																			(x) <u>Life Science laboratory (as</u>
																			<u>defined in Sections 890.52 and</u>
																			<u>890.53</u>

1  
2 *SEC. 249.35B. DESIGN AND DEVELOPMENT SPECIAL USE DISTRICT.*

3 *In recognition of existing large parcels where a limitation on office square footage per lot*  
4 *would be proportionally inappropriate, to accommodate office space for activities that require space*  
5 *outside of downtown, to provide affordable office space to small firms and organizations which may be*  
6 *engaged in incubator businesses and microenterprises, and to accommodate office space in relation to*  
7 *the agglomeration of internal, telecommunications and related utility uses in the immediate area, there*  
8 *shall be a Design and Development Special Use District applied to certain portions of the South Basin*  
9 *area west of Third Street, and to parcels on Third Street near the intersections of Cargo Way, Custer*  
10 *Avenue, Davidson Avenue, Evans Avenue, and Egbert Avenue, as shown on Sectional Map 10-SU of the*  
11 *Zoning Map. The following provisions shall apply within such special use district:*

12 *(a) Except as described below, the specific use definitions and controls for PDR 1 and PDR 2*  
13 *Districts, as detailed in Sections 213-277 of this Code, shall apply to lots within this Design and*  
14 *Development SUD, including the accessory use provisions contained in Section 204.3.*

15 *(b) Any office use is permitted, limited to a floor area ratio of 0.25 of gross floor area to 1*  
16 *square foot of lot area notwithstanding the office use size limitations of the PDR 2 District. In no case*  
17 *shall office use be limited to less than the size allowed in a PDR 2 District under Planning Code*  
18 *Section 219; nor shall it exceed a total of 50,000 square feet of gross floor area per lot.*

19 *(c) An office use above the amount permitted in Section 249.35B(b) is permitted provided that*  
20 *it shall be limited to the following activities:*

21 *(1) design activities, including but not limited to architectural, graphic, interior, product, and*  
22 *industrial design;*

23 *(2) business service as defined in Planning Code Section 890.111;*

24 *(3) ancillary office activities related to internet, telecommunications, electronic networking or*  
25 *data storage service and maintenance;*

1 ~~(1) digital media and arts.~~

2 ~~(d) For all office use square footage greater than the amount permitted under 249.35B(b), a~~  
3 ~~Notice of Special Restriction shall be executed by the Zoning Administrator and recorded in the Office~~  
4 ~~of the County Recorder, specifying that the office activities are limited to the uses permitted under~~  
5 ~~Planning Code Section 249.35B(c).~~

6 ~~(e) For all office use square footage greater than the amount permitted under 249.35B(b),~~  
7 ~~each individual business shall be limited to 5,000 square feet of gross floor area.~~

8 ~~(f) Off street parking spaces shall be provided in the minimum amounts as follows:~~

9 ~~(1) for office uses permitted under Section 249.35B(b), according to Table 151 of this Code;~~

10 ~~(2) for office uses permitted under Section 249.35B(c), 1 space for every 2,500 square feet of~~  
11 ~~occupied floor area.~~

12 **~~SEC. 249.39. RESTRICTED INTEGRATED PDR SPECIAL USE DISTRICT.~~**

13 ~~(a) Purpose. The Restricted Integrated PDR Special Use District is intended to ensure that~~  
14 ~~newly constructed Integrated PDR uses support the intention of the PDR 1-G District in the Central~~  
15 ~~Waterfront.~~

16 ~~(b) Geography. The boundaries of the Restricted Integrated PDR Special Use District include~~  
17 ~~all parcels designated PDR 1-G east of I 280, south of 20th St., and north of Cesar Chavez St.~~

18 ~~(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply,~~  
19 ~~except that newly constructed Integrated PDR shall require conditional use authorization pursuant to~~  
20 ~~the provisions of Sec. 303.~~

21 **~~SEC. 413.7. INTEGRATED PDR EXCEPTION.~~**

22 ~~An exception to this process exists for Integrated PDR projects that are subject to Section 428~~  
23 ~~of this Code, for which only 50% of the fees must be paid before the issuance of the first construction~~  
24 ~~document or first certificate of occupancy with a deferral surcharge, whichever applies.~~

25 **~~SEC. 428A. INTEGRATED PDR FEE DISCOUNT PROGRAM.~~**

1           ~~(a) Purpose. The purpose of the Integrated PDR Fee Discount Program is to encourage the~~  
2 ~~hiring of disadvantaged workers by existing or future business tenants and/or occupants in newly~~  
3 ~~permitted Integrated PDR space. Owners of buildings with Integrated PDR space are given the option~~  
4 ~~of deferring up to fifty percent of development impact fees that would otherwise be owed, to encourage~~  
5 ~~their Integrated PDR tenants and/or occupants to register their respective business with the Office of~~  
6 ~~Economic and Workforce Development's (OEWD) Integrated PDR Program. At the end of a five year~~  
7 ~~period commencing upon issuance of the first site or building permit, owners of Integrated PDR~~  
8 ~~buildings will be responsible for payment of the full deferred amount unless they can demonstrate to the~~  
9 ~~Planning Department, based on registration records submitted to OWED, that a certain percentage of~~  
10 ~~the employees occupying Integrated PDR space qualify as "disadvantaged workers." The greater the~~  
11 ~~percentage of disadvantaged workers, the higher the fee waiver.~~

12           ~~(b) Definitions.~~

13           ~~(1) Applicant. For purposes of this section, the owner of a building that contains permitted~~  
14 ~~Integrated PDR space.~~

15           ~~(2) Integrated PDR. This is defined in Section 890.49.~~

16           ~~(3) Disadvantaged worker. Any employee who qualifies for the California State.~~

17           ~~(4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.~~

18           ~~(5) Discount eligible worker, a disadvantaged worker who lives within the City and County of~~  
19 ~~San Francisco.~~

20           ~~(6) Discount program fees. The fees that are subject to this discount program are the Eastern~~  
21 ~~Neighborhoods Fees (per Sec. 327), the Transit Impact Development Fee (TIDF) (per Chapter 38 of~~  
22 ~~the Administrative Code), and the Jobs Housing Linkage Fee (per Section 313).~~

23           ~~(7) Integrated PDR Registration Record. A dated receipt acknowledging that the subject~~  
24 ~~Integrated PDR business has newly registered or updated their existing registration with the Office of~~  
25 ~~Economic and Workforce Development (OEWD).~~

1           (8) ~~Outstanding Discount Program fees. The 50% of Discount program fees that are not paid~~  
2 ~~at the issuance of the first site or building permit.~~

3           ~~(c) Controls:~~

4           ~~(1) Any project involving the establishment of net new Integrated PDR space may choose to~~  
5 ~~avail itself of the fee discounts described below in this Subsection.~~

6           ~~(2) Initial fee reduction and payment:~~

7           ~~—— (A) At the issuance of the first site or building permit, the Applicant will pay 50% of~~  
8 ~~discount program fees.~~

9           ~~—— (B) An Integrated PDR Notice of Special Restrictions (NSR) will be placed on the~~  
10 ~~property stating the following:~~

11           ~~—— (i) The amount of Outstanding Discount Program fees.~~

12           ~~—— (ii) That the Outstanding Discount Program fees, adjusted for the cost of living as~~  
13 ~~defined by the Controller's Office, will be paid within 30 days of notification of the applicant by the~~  
14 ~~Planning Department of the amount of payment due. A reduction or waiver of these outstanding fees is~~  
15 ~~available only if the conditions of subsection (c)(3) of this Section are met.~~

16           ~~(3) Outstanding Discount Program fee determination and payment:~~

17           ~~—— (A) After five years from the issuance of the first site or building permit for any~~  
18 ~~Integrated PDR space, the Applicant must pay the Outstanding Discount Program fees.~~

19           ~~—— (B) An Applicant may seek to waive or reduce any Outstanding Discount Program fees~~  
20 ~~by providing sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to~~  
21 ~~the Planning Department that they have satisfied the workforce goals of the Integrated PDR program~~  
22 ~~as of the date of the filing of an application for such a waiver.~~

23           ~~—— (C) Outstanding Discount Program fees may be waived or forgiven under the following~~  
24 ~~circumstances:~~

1           ~~—— (i) If 10% to 14.9% of the total workforce currently employed in space that is permitted~~  
2 ~~as Integrated PDR is discount eligible workers, then 50% of the outstanding fees will be waived.~~

3           ~~—— (ii) If 15% to 19.9% of the total workforce currently employed in space that is~~  
4 ~~permitted as Integrated PDR is discount eligible workers, then 60% of the outstanding fees will be~~  
5 ~~waived.~~

6           ~~—— (iii) If 20% to 24.9% of the total workforce currently employed in space that is~~  
7 ~~permitted as Integrated PDR is discount eligible workers, then 70% of the outstanding fees will be~~  
8 ~~waived.~~

9           ~~—— (iv) If 25% to 29.9% of the total workforce currently employed in space that is~~  
10 ~~permitted as Integrated PDR is discount eligible workers, then 80% of the outstanding fees will be~~  
11 ~~waived.~~

12           ~~—— (v) If 30% to 34.9% of the total workforce currently employed in space that is~~  
13 ~~permitted as Integrated PDR is discount eligible workers, then 90% of the outstanding fees will be~~  
14 ~~waived.~~

15           ~~—— (vi) If 35% or more of the total workforce currently employed in space that is permitted~~  
16 ~~as Integrated PDR is discount eligible workers, then 100% of the outstanding fees will be waived.~~

17           ~~—— (D) Applicants who cannot provide sufficient evidence in the form of Integrated PDR~~  
18 ~~Registration records to demonstrate to the Planning Department that tenants and/or occupants of any~~  
19 ~~Integrated PDR space have satisfied the annual reporting requirements of the Office of Economic and~~  
20 ~~Workforce Development (OEWD), or its successor, will not be eligible for any waivers or reductions of~~  
21 ~~Outstanding Discount Program Fees, and will owe the full amount of any Outstanding Discount~~  
22 ~~Program Fees five years after the issuance of the first site or building permit. These annual reporting~~  
23 ~~requirements are stated contained in the City's Administrative Code Sec. 10E.7.~~

24           ~~—— (E) Applicants must apply to the Planning Department for Outstanding Discount~~  
25 ~~Program Fee reduction or waiver. This application must be submitted within three months before or~~

after the five-year anniversary of the issuance of the first site or building permit. The Planning Department shall transmit the application to the Office of Economic and Workforce Development (OEWD), or its successor, for verification of relevant employment statistics, and the Director of OEWD shall subsequently submit its findings to the Planning Department.

—— (F) Payment of outstanding fees is due within 30 days of notification of the applicant by the Planning Department of the amount of payment due.

—— (G) Failure to pay shall be deemed a violation of the Planning Code and result in an enforcement action by the Department, which may include, referral to the Bureau of Delinquent Revenue and a lien on the subject property. Any enforcement action also may result in additional charges or penalties to cover the City's costs in the enforcement action, including, but not limited to City Attorney's fees.

#### SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) ~~Contains at least the following amount of PDR activities:~~

—— (A) ~~For uses of 2,000 gross square feet or greater, at At least 1/3 of the total space of the use shall contain PDR activities, as defined in Subsection (7) below; or~~

~~(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;~~

(2) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;

(3) Does not include residential activities;

(3) 4) The ~~remaining non-PDR~~ space may contain any non-residential use permitted in the MUO District as long as;

(4) 5) Retail space is limited to 1/3 of the total space; and



~~(B) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;~~

~~(6) Any retail space contained within the Integrated PDR use shall not count against any per parcel retail limits of the subject zoning district; and~~

(4 ~~Z~~) For purposes of this definition, PDR activities are those that:

(A) Are generally consistent with Code Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

(B) Are not:

(i) Residential (as defined in Section 890.88);

(ii) Retail and personal services (as defined in Sections 890.102, 890.104, and 890.116);

(iii) Institutional (as defined in Section 890.50);

(iv) Office (as defined in Section 890.70);

(v) Laboratory (as defined in Section 890.52); or

(vi) Storage (as defined in Sec. 890.54(c));

(C) ~~May include any non-office uses that integrate multimedia, information technology, or software development functions;~~

~~——(D) Do not include typical office support functions; and~~

(~~E~~ ~~D~~) Occur in space specifically designed to accommodate the industrial nature of the PDR activities.

~~(5) Any retail space contained within the Integrated PDR use shall not count against any per parcel retail limits of the subject zoning district.~~

(b) Integrated PDR uses are subject to the following requirements only permitted in the following buildings:

(1) ~~These uses are only permitted in buildings:~~

~~— (A) That Buildings that were constructed before 1951 which were at least three stories in height above grade, excluding those building features listed in Section 260(b) and related structures, as of the effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08 and 0300-08 as of January 1, 2009; or~~

~~(B 2) For Building for which a first certificate of occupancy was issued after the effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08, and 0300-08 after January 1, 2009;~~

~~(2 c) A Notice of Special Restriction (NSR) shall be recorded on the title of any property containing an Integrated PDR use. The Planning Department shall forward a copy of each NSR to the Mayor's Office of Economic and Workforce Development, or a successor office, for purposes of record keeping and monitoring. This NSR shall include a copy of the use provisions of this Section and also require that the property owner:~~

~~— (A) Ensure that all new Integrated PDR tenants and/or occupants register with the Office of Economic and Workforce Development's PDR Program. The purpose of this registration is to confirm the accuracy of each tenant's or occupant's NAICS code on their Business Registration and Payroll Tax forms, collect basic information on the nature of each tenant's or occupant's business, including the total number of employees to inform the tenant or occupant of available tax credits and other benefits of the state and local Enterprise Zone program; and to determine, to the extent possible, the total number of employees that reside within the City and are eligible to receive State Enterprise Zone tax credits ("IPDR Disadvantaged Employees"); and~~

~~— (B) Report annually to the Planning Department staff on any reallocation of space within an Integrated PDR space This NSR shall provide the Planning Department with the ability to enforce the provisions of this Section.~~

(e d) Integrated PDR uses are not subject to the annual office limit controls of Sections 320-324.

Section 3. The Administrative Code is hereby amended by revising Section 10E.2, to read as follows:

**SEC. 10E.2. EASTERN NEIGHBORHOODS AREA PLANS MONITORING PROGRAM.**

\* \* \* \* \*

~~(d) INTEGRATED PDR REPORTING.~~

~~(1) The owner of any property subject to an Integrated PDR Notice of Special Restrictions (NSR) recorded pursuant to Planning Code Section 328 is required to ensure that any new tenants or new occupants of any space that is permitted as Integrated PDR contact the Integrated PDR Program of the Office of Economic and Workforce Development (OEWD), or its successor, to register their respective Integrated PDR business with OEWD's Integrated PDR Program Database and that these same businesses continually update OEWD's PDR Program Database on an annual basis.~~

~~(2) Upon successful registration of a new Integrated PDR business, OEWD will provide each individual Integrated PDR business registrant with a dated receipt acknowledging that the subject Integrated PDR business has newly registered or updated their existing registration with OEWD. This receipt shall be referred to as an "Integrated PDR Registration Record" for purposes of this Section and Planning Code Section 328. If an Integrated PDR business failed to register for an Integrated PDR Registration Record as of December 31st of the subject year, the OEWD is prohibited from issuing a receipt for that year.~~

~~(3) It is the responsibility of the owner of any property subject to an Integrated PDR NSR recorded pursuant to Planning Code Sections 328 to collect and retain copies of any Integrated PDR Registration Records obtained by any tenant or occupant in a property subject to this Section.~~

~~(4) Property owners who cannot provide sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to the Planning Department that current and former occupants of~~

any Integrated PDR space have satisfied the initial registration and annual reporting requirements outlined in this Section will not be eligible for any waivers or reductions of Outstanding Discount Program Fees as set forth in Planning Code Section 328.

~~(5) OEWD, or its successor, shall make available summary reports of any and all Integrated PDR business data collected pursuant to this program at the request of the Planning Department staff or the Planning Commission, as necessary for their enforcement of any provisions of the Planning Code or for general information.~~

~~(6) OEWD, or its successor, shall provide a 5-year summary report on the status of employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and the profile of all businesses registered under this program within 6 months of the 5-year anniversary of the adoption of this Section. This summary report shall contain data on the total number and types of businesses occupying Integrated PDR space, as well the total percentage share of the total workforce employed by businesses occupying Integrated PDR space that qualify as disadvantaged workers as of the 5-year anniversary of the effective date of this Section.~~

**(e d) EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.**

**(1) Establishment and Purpose.** An Eastern Neighborhoods Citizens Advisory Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern Neighborhoods Area Plan and related Planning Code changes, the Mayor and the Board of Supervisors shall have appointed all members to the CAC. The CAC shall be the central community advisory body charged with providing input to City agencies and decision makers with regard to all activities related to implementation of the Eastern Neighborhoods Area Plans. The CAC is established for the purposes of providing input on the prioritization of Public Benefits, updating the Public Benefits program, relaying information to community members in each of the four neighborhoods regarding the status of development proposals in the Eastern Neighborhoods, and providing input to Plan Area monitoring efforts as

appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the Board of Supervisors. The CAC may perform the following functions as needed:

(A) Collaborate with the Planning Department and the Interagency Plan Implementation Committee on prioritizing the community improvement projects and identifying implementation details as part of annual expenditure program that is adopted by the Board of Supervisors;

(B) Provide an advisory role in a report-back process from the Planning Department on enforcement of individual projects' compliance with the Area Plans standards and on specific conditions of project approvals so that those agreements will be more effectively implemented;

(C) Collaborate with the Planning Department and relevant city agencies in the monitoring of the Plans' implementation program at approximately every fifth year, in coordination with the Monitoring Program required by the Administrative Code Section 10.E; and provide input to Plan Area monitoring efforts for required time-series reporting.

**(2) Representation and Appointments.**

(A) The CAC shall consist 19 members representing the diversity of the Eastern Neighborhoods; key stakeholders, including resident renters, resident homeowners, low-income residents, local merchants, established neighborhood groups within the Plan Area; and other groups identified through refinement of the CAC process.

(B) All members shall live, work, own property or own a business in the Eastern Neighborhoods Plan Area they are appointed to represent.

(C) The Board of Supervisors shall appoint a total of eleven members to the CAC. Based on the Supervisorial District boundaries, the District 6 and 10 Supervisors shall nominate 4 four CAC members, the District 9 Supervisor shall nominate two CAC members,

1 and the District 8 Supervisor shall nominate one CAC member. The appointment of each of  
2 the Board's CAC nominees shall be confirmed by the full Board of Supervisors.

3 (D) The Mayor shall appoint a total of eight members, with one voting member  
4 representing each of the five neighborhoods, and three voting at-large members.

5 (E) Members shall serve for two-year terms, but those terms shall be staggered  
6 such that, of the initial membership, some members will be randomly selected to serve four  
7 year terms and some will serve two year terms.

8 (F) At the first official meeting of the CAC, which shall not occur until at least 13  
9 voting members of the CAC have been appointed by the respective appointment process, a  
10 lottery shall be conducted in order to randomly select four Board of Supervisors appointees  
11 and two Mayoral appointees to serve four-year terms. At a subsequent meeting, when the  
12 final two voting members of the CAC have been appointed by the respective appointment  
13 process, a lottery shall be conducted in order to randomly select which member shall serve a  
14 four-year term.

15 (G) The Board of Supervisors and Mayor may renew a member's term by  
16 repeating the respective appointment process.

17 (3) Committees or Working Groups of the CAC. According to procedures set forth in  
18 bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or working  
19 groups based around geographic areas or functional issues. Each of these subcommittees or  
20 working groups shall contain at least one CAC member who is eligible to vote, but may also  
21 be comprised of individuals who are not members of the CAC. If a non-voting member of the  
22 CAC serves on a subcommittee or working group that individual may act as a voting member  
23 of the subcommittee or working group.

24 (4) Staffing for Eastern Neighborhoods Citizens Advisory Committee. The Planning  
25 Department or Interagency Plan Implementation Committee shall designate necessary

1 staffing from relevant agencies to the CAC, as needed to complete the responsibilities and  
2 functions of the CAC described in this code. To the extent permitted by law, staffing and  
3 administrative costs for the CAC shall be funded through the Eastern Neighborhoods Public  
4 Benefits Fund. Staff shall participate in the Interagency Planning and Implementation  
5 Committee as set forth in Administrative Code Section 36.

6 (5) The Eastern Neighborhoods CAC will automatically terminate on December 31,  
7 2020, unless the Board of Supervisors extends the CAC's term by Ordinance.

8  
9 Section 4. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor's veto of the ordinance.

13  
14 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
18 additions, and Board amendment deletions in accordance with the "Note" that appears under  
19 the official title of the ordinance.

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 John D. Malamut  
Deputy City Attorney

25 n:\egana\as2013\1400201\00888906.doc

## LEGISLATIVE DIGEST

[Health Code - Restrictions on Sale and Use of Electronic Cigarettes]

**Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.**

### Existing Law

The Health Code currently bans smoking in a variety of settings, both enclosed and unenclosed spaces. The Health Department enforces the prohibitions through inspections and a hearing process. The Board of Appeals hears any appeals from enforcement action taken by the Health Department.

The Health Department also permits tobacco retail stores. Tobacco sales are prohibited in certain settings, including pharmacies and stores containing pharmacies.

### Amendments to Current Law

The proposed ordinance amends the San Francisco Health Code by adding Article 19N (Sections 19N.1 – 19N.9) to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; and prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited.

### Background Information

The FDA has raised concerns that electronic cigarettes, including but not limited to flavored electronic cigarettes, can increase nicotine addiction among young people and may lead youth to try conventional tobacco products. A CDC study showed that in 2011 4.7% of all high schoolers had tried e-cigarettes and that in 2012 that number increased to 10.0% of all high schoolers. Electronic cigarettes may not be legally sold to minors in California. Electronic smoking devices and other unapproved nicotine delivery products have a high appeal to youth due to their high tech design and availability in child-friendly flavors like chocolate and strawberry.

Health authorities have also expressed concerns that the vapors released into the air through the use of an electronic cigarette present a danger to others who breathe them.



The use of an electronic cigarette in public is often indistinguishable from the use of traditional tobacco products, prompting confusion among members of the public wherever smoking is prohibited. Consequently, persons who smoke traditional tobacco products may be induced to do so in areas where smoking is illegal under the mistaken belief that smoking is legal in such areas, or that the ban on smoking in such areas is not being enforced.

Owners of establishments such as office buildings and restaurants encounter similar obstacles seeking to comply with the laws prohibiting smoking in certain locations. An owner may request that a patron stop smoking cigarettes in a restaurant only to have the patron demonstrate that it is an electronic cigarette. The Owner may also be placed in the position of having to confront and examine the cigarettes of any number of customers absent a prohibition on the use of electronic cigarettes where traditional cigarettes are banned.

[Health Code - Restrictions on Sale and Use of Electronic Cigarettes]

Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.

NOTE: Additions are single-underline italics Times New Roman;  
deletions are ~~strike-through italics Times New Roman~~.  
Board amendment additions are double-underlined;  
Board amendment deletions are ~~striketrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

Section 2. The San Francisco Health Code is hereby amended by adding Article 19N, Sections 19N.1 – 19N.9, to read as follows:

**SEC. 19N.1 FINDINGS AND STATEMENT OF PURPOSE.**

(a) Electronic smoking devices, commonly referred to as electronic cigarettes or e-cigarettes, are battery-operated devices that may resemble cigarettes, although they do not contain tobacco leaf. People who use electronic smoking devices inhale vaporized liquid nicotine extracted from tobacco, or inhale other vaporized liquids, created by heat through an electronic ignition system, and exhale the vapor in a way that mimics smoking.

1 (b) Electronic cigarettes are presently available for purchase and use in San Francisco.

2 (c) The FDA's Center for Drug Evaluation and Research, Office of Compliance purchased two  
3 samples of electronic cigarettes and components from two leading brands. These samples included 18  
4 of the various flavored, nicotine, and no-nicotine cartridges offered for use with these products. These  
5 cartridges were obtained to test some of the ingredients contained in them and inhaled by users of  
6 electronic cigarettes. The FDA's Center for Drug Evaluation and Research, Division of  
7 Pharmaceutical Analysis (DPA) analyzed the cartridges from these electronic cigarettes for nicotine  
8 content and for the presence of other tobacco constituents, some of which are known to be harmful to  
9 humans, including those that are potentially carcinogenic or mutagenic. The DPA's analysis of the  
10 electronic cigarette samples showed:

11 (1) The products contained detectable levels of known carcinogens and toxic chemicals to  
12 which users could be exposed.

13 (2) Quality control processes used to manufacture these products are inconsistent or non-  
14 existent.

15 (3) Tobacco-specific impurities suspected of being harmful to humans—anabasine, myosmine,  
16 and β-nicotyrine—were detected in a majority of the samples tested.

17 (4) Three different electronic cigarette cartridges with the same label were tested and each  
18 cartridge emitted a markedly different amount of nicotine with each puff. The nicotine levels per puff  
19 ranged from 26.8 to 43.2 mcg nicotine/100 mL puff.

20 (d) The Surgeon General has found that the chemical nicotine is a powerful pharmacologic  
21 agent that acts in the brain and throughout the body and is highly addictive. The United States  
22 Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or  
23 heroin and is a highly toxic substance. Use of nicotine in any form may cause or contribute to  
24 cardiovascular disease, complications of hypertension, reproductive disorders, cancers of many types,  
25 and gastrointestinal disorders, including peptic ulcer disease and gastro esophageal reflux.

1 (e) The FDA has raised concerns that electronic cigarettes, including but not limited to  
2 flavored electronic cigarettes, can increase nicotine addiction among young people and may lead youth  
3 to try conventional tobacco products. A CDC study showed that in 2011 4.7% of all high schoolers had  
4 tried e-cigarettes and that in 2012 that number increased to 10.0% of all high schoolers. Electronic  
5 cigarettes may not be legally sold to minors in California. Electronic smoking devices and other  
6 unapproved nicotine delivery products have a high appeal to youth due to their high tech design and  
7 availability in child-friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough and  
8 cookies and cream milkshake.

9 (f) Health authorities have also expressed concerns that the vapors released into the air  
10 through the use of an electronic cigarette present a danger to others who breathe them.

11 (g) The use of an electronic cigarette in public is often indistinguishable from the use of  
12 traditional tobacco products, prompting confusion among members of the public wherever smoking is  
13 prohibited. Consequently, persons who smoke traditional tobacco products may be induced to do so in  
14 areas where smoking is illegal under the mistaken belief that smoking is legal in such areas, or that the  
15 ban on smoking in such areas is not being enforced.

16 (h) Owners of establishments such as office buildings and restaurants encounter similar  
17 obstacles seeking to comply with the laws prohibiting smoking in certain locations. An owner may  
18 request that a patron stop smoking cigarettes in a restaurant only to have the patron demonstrate that it  
19 is an electronic cigarette. The Owner may also be placed in the position of having to confront and  
20 examine the cigarettes of any number of customers absent a prohibition on the use of electronic  
21 cigarettes where traditional cigarettes are banned.

22 (i) The agencies charged with enforcing compliance in enclosed and unenclosed spaces will  
23 similarly have to devote considerable time and resources determining the individuals smoking  
24 electronic cigarettes versus traditional cigarettes.

1           *(i) Some agencies in San Francisco have already adopted restrictions on e-cigarette usage*  
2           *including San Francisco General Hospital, Laguna Honda Hospital, AT&T Ballpark, University of*  
3           *California-San Francisco, San Francisco Department of Public Health and the San Francisco*  
4           *International Airport.*

5           **SEC. 19N. 2 DEFINITIONS.**

6           *(a) "Director" means the Director of Public Health or his or her designee.*

7           *(b) "Electronic Cigarette" or "E-cigarette" means any device with a heating element, a*  
8           *battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a*  
9           *manner that simulates smoking tobacco.*

10          *(c) "Establishment" means any store, stand, booth, concession or other enterprise that engages*  
11          *in the retail sales of tobacco products and/or electronic cigarettes.*

12          **SEC. 19N.3 TOBACCO SALES PERMIT REQUIRED.**

13          *(a) An establishment must have a valid tobacco sales permit obtained pursuant to Health Code*  
14          *Section 1009.52 to sell electronic cigarettes.*

15          *(b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code*  
16          *including but not limited to Article 19H.*

17          **SEC. 19N.4 PROHIBITING THE USE OF ELECTRONIC CIGARETTES WHEREVER**  
18          **SMOKING OF TOBACCO PRODUCTS IS BANNED.**

19          *(a) The use of electronic cigarettes is prohibited wherever smoking of tobacco products is*  
20          *prohibited by law including Articles 19 et seq. of the Health Code.*

21          *(b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code*  
22          *including but not limited to the Articles prohibiting smoking in certain spaces or areas.*

23          **SEC. 19N.5 PROHIBITING THE SALE OF ELECTRONIC CIGARETTES WHEREVER**  
24          **THE SALE OF TOBACCO PRODUCTS IS PROHIBITED.**

1 *a) The sale of electronic cigarettes is prohibited wherever the sale of tobacco products is*  
2 *prohibited by law, including as prohibited in Articles 19 et seq. of the Health Code.*

3 *b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code*  
4 *including but not limited to Article 19J.*

5 **SEC. 19N.6 CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**  
6 **WELFARE.**

7 *In enacting and implementing this ordinance, the City is assuming an undertaking only to*  
8 *promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an*  
9 *obligation for breach of which it is liable in money damages to any person who claims that such breach*  
10 *proximately caused injury.*

11 **SEC. 19N.7 RULES AND REGULATIONS.**

12 *The Director, after a noticed public hearing, may adopt rules and regulations to carry out the*  
13 *provisions of this Article. Such rules and regulations shall take effect 15 days after the public hearing.*  
14 *Violation of any such rule or regulation may be grounds for administrative or civil action against the*  
15 *permittee pursuant to this Article.*

16 **SEC. 19N.8 PREEMPTION.**

17 *(a) Nothing in this Article shall be interpreted or applied so as to create any power, duty or*  
18 *obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by*  
19 *Federal or State law, the provisions of this Article shall not apply if the Federal or State law is more*  
20 *restrictive.*

21 //

22 //

23 //

24 //

1 (b) This Article shall not apply to any FDA-approved product marketed for therapeutic  
2 purposes.

3 (c) This Article shall not affect any laws or regulations regarding medical cannabis.

4 **SEC. 19N.9 SEVERABILITY.**

5 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Article or  
6 any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of  
7 competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining  
8 portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would  
9 have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof  
10 irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses,  
11 or phrases be declared unconstitutional, or invalid, or ineffective.

12  
13 Section 3. Effective Date. This ordinance shall become effective 30 days after  
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
16 of Supervisors overrides the Mayor's veto of the ordinance.

17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By: \_\_\_\_\_  
20 Aleeta M. Van Runkle  
21 Deputy City Attorney  
22  
23  
24  
25

## LEGISLATIVE DIGEST

[Planning Code - Broadway Alcohol Restricted Use District]

**Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

The Planning Code establishes several Alcohol Restricted Districts. These are areas of the City where new establishments that sell alcohol (whether for consumption on- or off- the premises) are limited or prohibited. These restrictions are usually created in order to preserve the character of the different neighborhoods, and to address the numerous peace, health, safety and general welfare problems associated with the existence of a large concentration of establishments that sell alcohol. (See, e.g., Section 249.60 [Mission Alcoholic Beverage Special Use District]; Section 249.62 [Third Street Alcohol Restricted Use District]; Section 783 [Divisadero Street Alcohol Restricted Use District]; and Section 784 [Lower Haight Street Alcohol Restricted Use District].)

### Amendments to Current Law

This ordinance would create the new Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Ave. and Montgomery Street. In this Alcohol Restricted Use District, new on-sale or off-sale liquor establishments (except bars serving only wine and beer with an ABC License Type No. 42) would be prohibited. "On-sale" liquor establishments are bars, as defined in Planning Code Section 790.22; whereas "off-sale" liquor establishments are liquor stores, as defined in Planning Code Section 790.55.

The new Broadway Alcohol Restricted Use District would be automatically repealed two years after its initial effective date, unless the Board of Supervisors, on or before that date, extends or re-enacts it.

n:\egana\as2013\1400054\00886587.doc





[Planning Code, Zoning Map - Broadway Alcohol Restricted Use District]

Ordinance amending the Planning Code, by adding a new Section 789, to establish the Broadway Alcohol Restricted Use District on parcels with street frontage on Broadway, between Columbus Avenue and Montgomery Street; amending the Zoning Map, Sheet SU-02, to designate the Broadway Alcohol Restricted Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~strikethrough Arial font~~.  
Asterisks (\* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

1 (c) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

6 Section 2. The Planning Code is hereby amended by adding new Section 789, to read  
7 as follows:

8 SEC. 789. BROADWAY ALCOHOL RESTRICTED USE DISTRICT.

9 (a) Findings. There is an unusually large number of establishments dispensing alcoholic  
10 beverages for consumption on Broadway, between Columbus Avenue and Montgomery Street. The  
11 existence of so many alcoholic beverage establishments, particularly bars and clubs selling spirits,  
12 appears to contribute directly to numerous peace, health, safety and general welfare problems in the  
13 area, including loitering, littering, public drunkenness, defacement and damaging of structures, and  
14 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and  
15 neighborhood. The existence of such problems creates serious impacts on the health, safety and  
16 welfare of residents of nearby single- and multiple-family areas, including fear for the safety of  
17 children, elderly residents, and visitors to the area. The problems also contribute to the deterioration of  
18 the neighborhood and concomitant devaluation of property and destruction of community values and  
19 quality of life. The number of establishments selling alcoholic beverages and the associated problems  
20 discourage more desirable and needed commercial uses in the area.

21 (b) Establishment of the Broadway Alcohol Restricted Use District. In order to preserve the  
22 residential character and the neighborhood-serving commercial uses of the area, the Broadway  
23 Alcohol Restricted Use District is hereby established, covering all parcels with street frontage on  
24 Broadway, between Columbus Ave. and Montgomery Street. The Broadway Alcohol Restricted Use

District shall be designated on Map Sheet Number SU-02 on the Zoning Map of the City and County of San Francisco.

(c) Definitions.

(1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as defined by California Business & Professions Code Section 23004 and 23025, pursuant to a California Alcoholic Beverage Control Board license. It shall not be interpreted to mean an establishment that (A) operates as a Bona Fide Eating Place, as defined in Section 790.142 of this Code, or (B) operates as an "other retail sales and service" use that sells general groceries or specialty groceries, as defined in Planning Code Section 790.102 (a) or (b), respectively.

(2) An "off sale liquor establishment" shall mean a Liquor Store as defined in Planning Code Section 790.55.

(3) An "on sale liquor establishment" shall mean a Bar as defined in Planning Code Section 790.22.

(d) Controls.

(1) No new on-sale or off-sale liquor establishment (except bars serving only wine and beer with a California Department of Alcoholic Beverage Control Liquor License ("ABC License") Type No. 42) shall be permitted in the Broadway Alcohol Restricted Use District. A liquor establishment located in the Broadway Alcohol Restricted Use District may transfer its alcohol license to another site, either within or outside the Broadway Alcohol Restricted Use District. A liquor establishment located outside the Broadway Alcohol Restricted Use District shall not transfer any alcohol license to a liquor establishment located within the Broadway Alcohol Restricted Use District. Any transfer of a liquor an alcohol license to a new location within the Broadway Alcohol Restricted Use District shall require a conditional use permit for the new liquor establishment.

(2) Whenever a liquor establishment has discontinued its use for a continuous period of one year or more, the liquor establishment shall be deemed to have abandoned its use as a liquor

establishment; provided that a break in continuous operation shall not be interpreted to include the following, as long as the location of the establishment does not change, the square footage used for the sale of alcoholic beverages does not increase, and the type of ABC License does not change;

(A) Re-establishment, restoration or repair of an existing liquor establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident or other force majeure; or

(B) Temporary closure of an existing liquor establishment for repair, renovation or remodeling, provided that permit applications for the repair, renovation or remodeling work shall be submitted to the City upon or prior to the temporary closure and such permits and work shall be pursued diligently to completion; or

(C) A change in ownership of a Liquor Establishment or an owner-to-owner transfer of an ABC License.

(3) New Restaurants with ABC Licenses Types 47 and 49 may operate past 12:00 midnight provided that the Restaurant serves food in the following manner, until the time it closes:

(A) It continues to serve meals to guests for compensation and has available kitchen facilities connected therewith, for cooking of an assortment of foods which may be required for ordinary meals; and

(B) "Meals" that are offered after midnight shall mean an assortment of foods commonly ordered at various hours of the day for breakfast, lunch or dinner. Incidental food service, comprised only of appetizers to accompany drinks, is not considered a meal. Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance; and

(C) "Guests" shall mean persons who come to the Restaurant after midnight for the purpose of obtaining, and actually order and obtain at such time, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

1 (e) Sunset Provision. This Section 789 shall be repealed two (2) years after its initial Effective  
2 Date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

3 Section 3. Effective Date. This ordinance shall become effective 30 days after  
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
6 of Supervisors overrides the Mayor's veto of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 ANDREA RUIZ-ESQUIDE  
12 Deputy City Attorney

13 n:\leganas2013\1400054\00884345.doc  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



## LEGISLATIVE DIGEST

[Environment Code - Bottled Water]

**Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.**

### Existing Law

The City has no laws specifically regulating the sale or distribution of bottled water at events held on City property.

### Amendments to Current Law

The proposal is an ordinance that would amend the Environment Code to add a new Chapter 24, the "San Francisco Bottled Water Ordinance." "Bottled Water" would mean drinking water in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

### **Events on City Property**

Starting October 1, 2014, no person would be allowed sell or distribute Bottled Water at an indoor event held on City property, or an outdoor event held City property, including a City street, where the City allowed the sponsor to use an on-site water supply. Starting October 1, 2016, no person would be allowed to sell or distribute Bottled Water at an outdoor event held on City property.

These restrictions would only apply to events where more than 100 people attended or participated. These restrictions would not apply to public athletic events held on City property, to events where the City grants the general public access to enter or use the property without a permit, or to events held on City property where the sponsor applied for or received the permit prior to July 1, 2014.

A City officer or department responsible for an event or the property to be used for an event could waive these requirements in full or in part if the event sponsor demonstrated that strict application of the requirement would be not feasible, would create an undue hardship or practical difficulty, or that circumstances otherwise warranted granting of the waiver.



## **Permits and Leases; Food Trucks**

Starting October 1, 2104, all new permits or leases allowing any person to use City property for purposes that included the sale or distribution of beverages would have to specifically require that the permittee comply with the Chapter. This requirement would also apply to any such permit or lease renewed, extended, or materially amended after that date. Starting October 1, 2014, no City officer or department would be allowed to issue a bid proposal or solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on City property that would require or permit the sale or distribution of Bottled Water on such property. These restrictions would not apply to concessions/vendors at San Francisco Airport facilities. These restrictions also would not apply to the Moscone Center until January 1, 2018, or completion of the first phase of the current expansion of the facility, whichever occurs sooner.

Starting October 1, 2014, all Mobile Food Facility (food truck) permits issued or renewed under Article 5.8 of the Public Works Code would have to specifically provide that the permittee shall not sell or distribute Bottled Water as part of the operation of the Facility.

## **Policy to Increase the Availability of Clean, Free Drinking Water in Public Areas**

The proposal would make it City policy to increase the availability of clean, free drinking water in public areas. In particular, it would be City policy that any City department undertaking a capital improvement in a park, plaza, playground, or other public space ensure that the space includes bottle-filling stations or drinking fountains for public use, if reasonable and appropriate. And it would be City policy to encourage the inclusion of bottle-filling stations or drinking fountains for public use in Privately-Owned Public Open Spaces.

## **Use of City Funds to Purchase Bottled Water**

The ordinance would prohibit City officers and departments from using City funds to purchase Bottled Water for their own general use. It would be City policy not to have drinking water systems in City offices or facilities that use plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location under consideration. And it would further be City policy to conform drinking water systems in City offices or facilities to this goal where reasonable by the end of 2016.

## **Penalties**

An event sponsor who allowed the sale or distribution of Bottled Water in violation of the Chapter could be punished by administrative fines imposed by the Director of the Department of the Environment in the amount of up to \$500 for a first violation, up to \$750 for a second violation within a year, and up to \$1,000 for a third and subsequent violations within a year.

n:\leganalas2013\11300366\00891944.doc

[Environment Code - Bottled Water]

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~strikethrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~strikethrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

#### Section 2. Findings.

(a) The City and County of San Francisco has a duty to protect the natural environment, the economy and the health of its citizens. San Francisco is renowned as an environmental leader as a result of the City's adoption of cutting edge policies and its smart and strategic implementation of those policies. Policies such as Plastic Bag Reduction Ordinance enacted in March 2007, the City's zero waste policy, and the requirement that new

1 buildings install water fountains capable of filling reusable bottles, among others, all  
2 demonstrate the City's leading role in reducing waste.

3 (b) Americans currently buy half a billion bottles of water every week, enough to circle  
4 the globe twice. We consume more bottles of water than any other nation. An estimated  
5 2 million tons of plastic water bottles end up in landfills each year. In San Francisco,  
6 Recology collects 10-15 million single-use plastic water bottles a year, and this number does  
7 not include bottles that go to redemption centers or landfill. It is likely that tens of millions of  
8 single-use plastic water bottles from San Francisco end up in our recycling stream or landfill  
9 on an annual basis.

10 (c) A plastic bottle in a landfill takes centuries to decompose. While advances by  
11 water bottle producers have reduced the amount of packaging and weight of bottle containers  
12 that ultimately reach the City's waste facilities, alternatives to plastic bottles, such as reusable  
13 bottles, drinking fountains, and water stations produce an insignificant amount of waste in  
14 comparison.

15 (d) Almost all this plastic is made from petroleum, requiring nearly 17 million gallons of  
16 crude oil annually. Aside from their manufacture, single-use bottles have significant  
17 environmental impacts throughout their lifecycle. The bottles require significant energy to  
18 transport and often take a long journey to U.S. markets. In 2006, the equivalent of 2 billion  
19 half-liter bottles arrived in U.S. ports, according to the Natural Resources Defense Council.  
20 Fiji shipped 18 million gallons of bottled water to California, releasing about 2,500 tons of  
21 transportation-related pollution. When incinerated, rather than being left to decompose, a  
22 plastic bottle releases chlorine gas and heavy metal ash.

23 (e) Many plastic water bottles contain chemicals called phthalates that it has been  
24 shown can leach into the water. Phthalates are known to disrupt testosterone and other  
25 hormones, which can lead to infertility, cancer, miscarriages and other health problems.

1 (f) The City has repeatedly demonstrated its commitment to reducing this type of  
2 waste. The Mayor's 2007 executive order barring the purchase of bottled water by City  
3 Departments with City funds is widely recognized as an example of San Francisco's  
4 exemplary policies and demonstrates the City's longstanding commitment to environmental  
5 sustainability. And while significant strides have been made by City Departments in carrying  
6 out this directive, much more remains to be done in connection with City-sponsored and City-  
7 authorized events and activities on City property.

8 (g) The Port Commission recently showed great leadership in adopting the balanced  
9 and thoughtful "Policy for Zero Waste Events and Activities," restricting plastic bottles on Port  
10 property at events with over 5,000 attendees.

11 (h) Many people drink bottled water because they believe it to be of a higher quality,  
12 cleaner and better-tasting, but that perception not necessarily accurate. In the United States,  
13 public water is regulated by the Environmental Protection Agency (EPA), which requires  
14 multiple daily tests for bacteria and makes results available to the public. The Food and Drug  
15 Administration, which regulates bottled water, only requires weekly testing and does not share  
16 its findings with the EPA or the public.

17 (i) The City's own supply of tap water is one of the cleanest and best tasting in the  
18 country. The San Francisco Public Utilities Commission delivers pristine drinking water  
19 through the Hetch Hetchy Reservoir in Yosemite National Park and Hetch Hetchy Regional  
20 Water System, which meets or exceeds all federal and state criteria for drinking water quality  
21 and is tested over 100,000 times per year. The system also uses gravity to transport water to  
22 the municipality, while bottled water uses less environmentally-friendly means for  
23 transportation.

24 (j) Bottled water is more expensive than tap water for the average consumer. Bottled  
25 water cost consumers an average of \$1.30 per gallon (\$11.8. billion/9.1 billion gallons); San

1 Francisco's municipal water from Hetch Hetchy costs about \$0.03 per gallon. Yet bottled  
2 water is often filled right from the tap. It is estimated that one third of all bottled water sold in  
3 the United States is repackaged tap water. Some companies that are filling their bottles from  
4 underwater sources are taking so much that there are nearby communities worried that their  
5 own wells will run dry.

6  
7 / / /

8 / / /

9 / / /

10 / / /

11 / / /

12 / / /

13 / / /

14 / / /

15 / / /

16 / / /

17 / / /

18 / / /

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

Section 3. The San Francisco Environment Code is hereby amended by adding Chapter 24, Sections 2401 through 2409, to read as follows:

**Chapter 24: Bottled Drinking Water**

Sec. 2401. Title.

Sec. 2402. Definitions.

Sec. 2403. Sale Or Distribution Of Bottled Water on City Property Restricted.

Sec. 2404. New Leases, Permits, And Agreements; Mobile Food Facilities.

Sec. 2405. Barring Use Of City Funds For Purchase Of Bottled Water.

Sec. 2406. Waivers.

Sec. 2407. Implementation.

Sec. 2408. Enforcement And Penalties.

Sec. 2409. Increasing the City's Commitment to Providing Public Water.

**SEC. 2401. TITLE.**

The title of this Chapter shall be the San Francisco Bottled Water Ordinance.

**SEC. 2402. DEFINITIONS.**

For purposes of this Chapter,

"Bottled Water" means drinking water in a sealed Rigid Plastic Bottle having a capacity of 21 fluid ounces or less.

"City Property" means real property, including any buildings thereon, owned or leased by the City and County of San Francisco ("City"), and in the City's possession or in the possession of a public or private entity under contract with the City to perform a public purpose, including but not limited to the following property: recreational and park property including but not limited to Golden Gate Park, the San Francisco Zoo, and San Francisco's parks and playgrounds, plazas including but

1 not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella Hill Hutch  
2 Community Center, and property of the Department of Recreation and Parks, the Port, and the Public  
3 Utilities Commission. "City Property" includes a "City Street."

4 "City Funds" means all monies or other assets received and managed by, or which are  
5 otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of  
6 indebtedness or other fiscal obligations issued by the City and County.

7 "City Street" means the public right-of-way owned by the City, including any area across,  
8 along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads,  
9 sidewalks, streets, and ways within the City.

10 "Event" means any gathering held on City Property, including a City Street, and subject to a  
11 City permit, where more than 100 people attend or participate.

12 "Mineral water" means drinking water containing more than 500 milligrams per liter of total  
13 dissolved solids and/or one or more chemical constituents in excess of the concentrations listed in the  
14 Federal Bottled Water Quality Standards (Title 21, Code of Federal Regs., Sec. 165.110).

15 "Participant Athletic Event" means an athletic event in which a group of people collectively  
16 walk, jog, run, or bicycle or otherwise participate in a sport on City Property, including a City Street.

17 "Rigid Plastic Bottle" means any formed or molded container comprised predominantly of  
18 plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the  
19 container body, and intended primarily as a single service container. "Rigid Plastic Bottle" includes a  
20 compostable plastic bottle meeting these criteria.

21 "Water" includes: natural spring or well water; water taken from municipal or private utility  
22 systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing  
23 to which chemicals may be added. "Water" does not include: mineral water; carbonated or sparkling  
24 water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water,  
25 enhanced water, energy water, or other similar products. "Water" does not include those food

1 ingredients that are listed in ingredient labeling as "water," "carbonated water," "disinfected water,"  
2 or "filtered water."

3  
4 **SEC. 2403. SALE OR DISTRIBUTION OF BOTTLED WATER ON CITY PROPERTY**  
5 **RESTRICTED.**

6 (a) Starting October 1, 2014, no person may sell or distribute Bottled Water at an Event held  
7 indoors on City Property.

8 (b) Starting October 1, 2014, no person may sell or distribute Bottled Water at an Event held  
9 outdoors on City Property, including a City Street, where the permitting Department allows the Event  
10 sponsor access to reliable on-site potable water connections adequate to meet the hydration needs of  
11 the Event participants or attendees. Departments that issue permits for Events on their properties and  
12 in their facilities shall, by July 1, 2014, determine which properties that are frequently used for Events  
13 have a reliable on-site supply of drinking water that could be used by Event sponsors.

14 (c) Starting October 1, 2016, no person may sell or distribute Bottled Water at an Event held  
15 outdoors on City Property, including a City Street.

16 (d) The provisions of this Section 2403 shall not apply to the sale or distribution of Bottled  
17 Water to participants in a Participant Athletic Event. The provisions of this Section 2403 shall not  
18 apply where the City grants the general public access to enter or use City Property in question,  
19 including a City Street, without requiring issuance of a permit.

20  
21 **SEC. 2404. NEW LEASES, PERMITS, AND AGREEMENTS; MOBILE FOOD FACILITIES.**

22 (a) Starting October 1, 2014, all new leases, permits, management agreements or other  
23 agreements awarded by the City allowing any person to use City Property, including a City Street, for  
24 purposes that contemplate or would allow the sale or distribution of beverages (collectively,  
25



1 "permits") shall specifically require that the permittee comply with this Chapter. This requirement  
2 shall also apply to any such permit renewed, extended, or materially amended after October 1, 2014

3 (b) Starting October 1, 2014, no City officer or department shall issue a bid proposal or  
4 solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on City  
5 Property that would require or permit the sale or distribution of Bottled Water on such property.

6 (c) This Section 2404 does not apply to concessions/vendors at San Francisco Airport facilities.  
7 This Section 2404 does not apply to permits for the use of City Property, including a City Street, for a  
8 Participant Athletic Event, if the permit provides that the Event sponsor may only sell or distribute  
9 Bottled Water, or allow the sale or distribution of Bottled Water, to participants in the Participant  
10 Athletic Event and not to any other persons. This Section 2404 will not apply to concessions/vendors at  
11 the Moscone Center facility until (1) the City Administrator certifies to the Board of Supervisors that  
12 the first phase of the expansion of the facility, the plans for which include installation of bottle filling  
13 stations, has been completed, or (2) January 1, 2018, whichever is sooner.

14 (d) Starting October 1, 2014, all Mobile Food Facility permits issued or renewed under  
15 Article 5.8 of the Public Works Code shall specifically provide that the permittee shall not sell or  
16 distribute or allow the sale or distribution of Bottled Water as part of the operation of the Facility.

17  
18 **SEC. 2405. BARRING USE OF CITY FUNDS FOR PURCHASE OF BOTTLED WATER.**

19 (a) No City officer or department shall use City Funds to purchase Bottled Water for its own  
20 general use. A City officer or department may use City Funds to purchase Bottled Water for uses  
21 specifically exempted from or allowed under this Chapter.

22 (b) It shall be City policy not to have drinking water systems in City offices or facilities that use  
23 plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location  
24 under consideration. It shall further be City policy to conform drinking water systems in City offices or  
25 facilities to this goal where reasonable by the end of 2016.

1     **SEC. 2406. WAIVERS.**

2             (a) A City officer or department responsible for permitting an Event on or issuing a lease for  
3     City Property may waive the requirements of Sections 2403 and 2404 in full or in part if the Event  
4     sponsor or lessee demonstrates to the satisfaction of the officer or department that strict application of  
5     the requirement would not be feasible, would create an undue hardship or practical difficulty, or that  
6     circumstances otherwise warrant granting of the waiver. The officer's or department's decision to  
7     grant a waiver shall be in writing and shall be final.

8             (b) The provisions of Sections 2403 and 2404 shall not apply where the responsible City  
9     department finds that the inclusion or application of such provisions would violate or be inconsistent  
10    with the terms or conditions of a grant, subvention or contract with an agency of the State of California  
11    or the United States or the instructions of an authorized representative of any such agency with respect  
12    to any such grant, subvention or contract.

13            (c) The provisions of Section 2405(a) shall not apply where the responsible City department  
14    finds that relying on Bottled Water is necessary in a given situation to protect the public health, safety  
15    and welfare, and no reasonable alternative to Bottled Water will serve the same purpose.

16            (d) Departments shall report all waivers granted under subsection (a) and determinations of  
17    non-applicability made under subsections (b) and (c) to the Director of the Department of the  
18    Environment on a quarterly basis, and include the reason for each waiver.

19  
20    **SEC. 2407. IMPLEMENTATION.**

21            (a) This Chapter shall not apply to an Event held on City Property, including a City Street,  
22    where the sponsor applied for or received the permit prior to July 1, 2014. Nothing in this Chapter  
23    shall be construed to impair a contract, lease, management agreement or other legally-binding  
24    agreement to which the City is a party on the effective date of this Chapter.

1 (b) The Department of the Environment and the Public Utilities Commission shall take  
2 appropriate steps to educate and inform City departments about the requirements of this Chapter.

3 (c) The Director of the Department of the Environment shall submit an annual report to the  
4 Mayor and the Board of Supervisors on the implementation of this Chapter. The report shall include  
5 the number of waivers granted by City officers or departments under Section 2406(a) and  
6 determinations of non-applicability made under Section 2406(b) and (c), and a brief explanation of the  
7 justifications for the same.

8  
9 **SEC. 2408. ENFORCEMENT AND PENALTIES.**

10 (a) Any person who violates any provision of Section 2403 or of an administrative regulation  
11 adopted under this Article to implement that Section may be punished by administrative fines imposed  
12 by the Director of the Department of the Environment in the amount of:

13 (1) Up to \$500 for the first violation;

14 (2) Up to \$750 for a second violation within a twelve-month period; and

15 (3) Up to \$1,000 for a third and subsequent violations within a twelve-month period.

16 (b) Except as provided in subsection (a), setting forth the amount of administrative fines,  
17 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as  
18 may be amended from time to time, is hereby incorporated in its entirety and shall govern the  
19 imposition, enforcement, collection, and review of administrative citations issued by the Director to  
20 enforce this Article or any administrative regulation adopted under this Article.

21  
22 **SEC. 2409. INCREASING THE CITY'S COMMITMENT TO PROVIDING PUBLIC WATER.**

23 (a) It shall be City policy to increase the availability of clean, free drinking water in public  
24 areas. City departments shall take all reasonable and appropriate steps to promote and facilitate

1 achievement of the goals and policies of this Chapter, including helping Event sponsors and other City  
2 departments to meet the requirements of this Chapter.

3 (b) The San Francisco Public Utilities Commission (the "SFPUC"), in consultation with the  
4 Department of Public Health and other appropriate City departments, shall investigate standards and  
5 procedures for allowing Event sponsors to access additional City-controlled or -operated water  
6 supplies. The SFPUC shall report its findings and recommendations to the Board of Supervisors by  
7 July 1, 2014.

8 (c) The SFPUC, in consultation with appropriate City departments, shall investigate installing  
9 backflow preventers and related plumbing equipment on existing potable water systems, to facilitate  
10 public access to such potable water in the park sites most frequently used for special events. The  
11 SFPUC shall report its findings and recommendations to the Board of Supervisors by July 1, 2014.

12 (d) It shall be City policy that any City department undertaking a capital improvement in a  
13 park, plaza, playground, or other public space shall install bottle-filling stations, drinking fountains,  
14 and or potable water hook-ups for public use, if the department finds that the installation is proximate  
15 and feasible with the scale and scope of the capital improvement

16 (e) It shall be City policy to encourage the inclusion of bottle-filling stations or drinking  
17 fountains for public use in Privately-Owned Public Open Spaces as defined in Planning Code  
18 Section 135(a), as amended.

19  
20 Section 4. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1           Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word  
2 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any  
3 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
4 portions of the ordinance. The Board of Supervisors hereby declares that it would have  
5 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and  
6 word not declared invalid or unconstitutional without regard to whether any other portion of  
7 this ordinance would be subsequently declared invalid or unconstitutional.

8  
9           Section 6. Undertaking for the General Welfare. In enacting and implementing this  
10 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
11 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
12 is liable in money damages to any person who claims that such breach proximately caused  
13 injury.

14  
15           Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be  
16 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
17 federal or state law.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21  
22 By: \_\_\_\_\_  
23           THOMAS J. OWEN  
24           Deputy City Attorney

25  
n:\egana\as2013\1300366\00891940.doc



SMALL BUSINESS COMMISSION  
LEGISLATION AND POLICY COMMITTEE  
DRAFT MEETING MINUTES



Monday, January 27, 2014

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

GOVERNMENT  
DOCUMENTS DEPT

JUN 20 2014

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair  
Commissioners William Ortiz-Cartagena, Irene Yee Riley

SAN FRANCISCO  
PUBLIC LIBRARY

SF  
552.6  
#2  
1/27/14  
draft

1. **Call to order and roll call.**

The meeting was called to order at 4:07 PM. Commissioners Adams and Yee Riley were present. Commissioner Ortiz-Cartagena was absent.

2. **General Public Comment.** (Discussion Item)

General Public Comment was called for and no members of the public requested to speak.

3. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131205 [Planning Code - Production, Distribution, and Repair Zoning].** (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131205; BOS File No. 131205 Legislative Digest

Jon Lau, Office of Economic and Workforce Development, and Steve Wertheim, Planning Department, presented. Mr. Lau explained that these regulations are the next logical step after the completion of the Eastern Neighborhoods Plan, and will help protect production, distribution, and repair (PDR) properties from pressures of office and residential development.

Mr. Wertheim described the current environment in San Francisco where essentially no PDR space is available, and the economics are not favorable for development of PDR space only. New and growing manufacturers are leaving San Francisco because of the lack of available production space. This legislation will create indirect subsidies via non-residential uses to enable development of new PDR space.

Public comment was called for and no members of the public requested to speak.

Motion: Commissioner Yee Riley motioned to recommend approval of the legislation.

2nd: Commissioner Adams

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 (PHONE)  
415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
LUKE O'BRIEN  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR

**4. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131208 [Health Code - Restrictions on Sale and Use of Electronic Cigarettes].**  
(Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131208; BOS File No. 131208 Legislative Digest

Victor Lim, Legislative Aide to Supervisor Eric Mar, Derek Smith, Department of Public Health, and Avani Desai, Youth Leadership Institute, presented. Mr. Lim explained that this legislation would essentially treat the sales and consumption of electronic cigarettes (e-cigarettes) the same as tobacco cigarettes. The legislation would not ban e-cigarette sales.

Mr. Smith described the functionality of e-cigarettes and the lack of medical research describing long-term health impacts by first- and second-hand users. He also described the ongoing public information and perception challenge that currently views e-cigarettes as a healthier alternative to tobacco cigarettes. Mr. Smith noted that nearly all e-cigarette retailers also sell tobacco products, and thus already have the tobacco sales permit issued by the Department of Public Health that his legislation would require for e-cigarette sales.

Ms. Desai commented on the long-term, drastic reductions in teenage smoking identified by researchers in recent years. However, she contrasted those reductions with a doubling of e-cigarette usage from 2011 to 2012 among teenagers. Action is needed to preserve hard won reductions in tobacco cigarette usage and to prevent a corresponding increase in e-cigarette use.

Director Dick-Endrizzi shared small business concerns that business operators will be punished for customer use of these products indoors, despite that it is very difficult to tell if somebody is using them in a back corner of a bar, restaurant, or store.

Commissioner Yee Riley asked whether other cities were adopting similar laws. Mr. Lim responded that hundreds of cities are considering these types of bans.

Public comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to recommend approval of the legislation.

2nd: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

**5. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131120 [Planning Code, Zoning Map - Broadway Alcohol Restricted Use District].**  
(Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 131120; BOS File No. 131120 Legislative Digest

Catherine Rauschuber, Legislative Aide to Supervisor David Chiu, presented. She described how the process would work under the legislation for new and transferred liquor licenses. The legislation originated from neighbors in the area. Ms. Rauschuber shared that she has received support for the legislation from North Beach Merchant Association, Top of Broadway Community Benefits District (CBD), Telegraph Hill Dwellers, and South of Telegraph (SOTEL) Neighbors. The process to develop this legislation has taken two years and has been widely inclusive. The legislation seeks to address peace, health, and safety problems in the neighborhood stemming from an overconcentration of liquor licenses in the area. Neighborhood problems have included gun violence, fights, loitering, littering, public drunkenness, defacement, and damaging of structures.

Commissioner Adams stated that he generally supports the desires of neighborhood residents, but simply wants to know "why now?" with respect to stricter regulations. He cited the street's history as the Barbary Coast and adult entertainment establishments that have existed for decades.



Public comment was called for and nine members of the public requested to speak:

IN SUPPORT

Joe Carouba  
Stephanie Greenburg  
Carmen Koradi  
Darron Swan

IN OPPOSITION

Jordan Angle  
Ryadh Bouzidi  
Gardner Kent  
Ron Lee  
Calvin Louie

Public comment was closed.

Motion: Commissioner Adams motioned to forward the legislation without recommendation.

2nd: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

**6. Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 131207 [Environment Code - Bottled Water]. (Discussion and Possible Action Item)**

Explanatory Documents: BOS File No. 131207; BOS File No. 131207 Legislative Digest

Catherine Rauschuber, Legislative Aide to Supervisor David Chiu, presented. She described the scale of plastic water bottle usage in San Francisco, as well as administrative efforts made to regulate the sale of plastic water bottles on City property starting with an executive order by then-Mayor Newsom.

Commissioner Adams communicated concerns he has heard from event organizers regarding potential impacts to their operations resulting from this legislation. Ms. Rauschuber said the legislation contains a public safety exemption where a permitting department can exempt an event from the regulations if it believes other water sources are unable to meet the public's need for water.

Commissioner Yee Riley expressed concerns about the impacts on mobile food facility (MFF) operations for those parking on City streets. She is afraid that customers will now be forced to drink less health sodas if water bottles are unavailable. And those attempting to comply by utilizing high-volume water containers will be subject to exhausted supplies with no ready way to refill them, short of moving their vehicle back to their base (commissary). Commissioner Yee Riley is also concerned that MFF operators will use plastic cups to serve their customers, generating the same amount of plastic waste.

Public comment was called for and no members of the public requested to speak.

Motion: Commissioner Adams motioned to forward the legislation without recommendation.

2nd: Commissioner Yee Riley

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

**7. Review and discussion of SBC/OSB projects and assignments to the Committee. (Discussion Item)**

None.



8. **Commissioner Reports.** (Discussion Item)

Commissioner Yee Riley reported her attendance at the Chinatown Flower Show for Lunar New Year.

9. **New Business.** (Discussion and Possible Action Item)

None.

10. **Adjournment.** (Action Item)

Motion: Commissioner Yee Riley motioned to adjourn.

2nd: Commissioner Adams

Aye: Adams, Yee Riley

Nay: None

Absent: Ortiz-Cartagena

The meeting was adjourned at 5:39 PM.



# SMALL BUSINESS COMMISSION

## Legislation and Policy Committee

### Notice of Meeting & Agenda



Monday, April 28, 2014

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Meeting will begin following the Small Business Commission meeting at 2:00 PM in Room 400

#### COMMISSIONERS:

Commissioner Stephen Adams, Chair

Commissioners Irene Yee Riley, Monetta White

GOVERNMENT  
DOCUMENTS DEPT

APR 25 2014

1. **Call to order and roll call.**
2. **General Public Comment.** (Discussion Item)
3. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 140317 [Administrative Code - Irrevocable Employer Health Care Expenditure Requirement and Establishment of Health Care Access Assistance Program]:** Ordinance revising the Health Care Security Ordinance to require all health care expenditures to be made irrevocably; to establish a City public benefit program known as the Health Care Access Assistance Program (HCAAP); to describe the public benefits available under each of HCAAP's three component programs, Healthy San Francisco, Covered San Francisco, and Health Care Access Accounts; to set certain eligibility requirements for program participants; and to set an operative date of October 1, 2014. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 140317 Legislative Digest; BOS File No. 140317

Presentation by Hillary Ronen, Legislative Aide to Supervisor David Campos

4. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 140284 [Building Code - Vacant or Abandoned Commercial Storefronts and Registration Fee]:** Ordinance amending the Building Code to establish a procedure for maintaining and registering vacant or abandoned commercial storefronts, including imposition of a registration fee. (Discussion and Possible Action Item)

Explanatory Documents: BOS File No. 140284 Legislative Digest; BOS File No. 140284

Presentation by Ashley Summers, Legislative Aide to Supervisor Katy Tang

5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 140098 [Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Food and Health Programs]:** Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and City grants for active recreation and improving food access, health, and nutrition, and to fund San Francisco Unified School District physical education, after-school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs. (Discussion and Possible Action Item)

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, ROOM 110

SAN FRANCISCO, CA 94102

415.554.6134 (PHONE)

415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS

KATHLEEN DOOLEY

MARK DWIGHT

WILLIAM ORTIZ-CARTAGENA

IRENE YEE RILEY

PAUL TOUR-SARKISIAN

MONETTA WHITE

REGINA DICK-ENDRIZZI, DIRECTOR

SAN FRANCISCO  
PUBLIC LIBRARY

Explanatory Documents: BOS File No. 140098 Legislative Digest; BOS File No. 140098

Presentation by Peter Lauterborn, Legislative Aide to Supervisor Eric Mar; and, Jeff Cretan, Legislative Aide to Supervisor Scott Wiener

6. **Review and discussion of SBC/OSB projects and assignments to the Committee.** (Discussion Item)
7. **Commissioner Reports.** (Discussion Item)
8. **New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion and Possible Action Item)
9. **Adjournment.** (Action Item)

Public Comment will be taken before or during the Small Business Commission's consideration of each agenda item. Speakers are requested but not required to complete a speaker card and state their names, which will help ensure proper spelling of speakers' names in the written record of the meeting.

Explanatory Documents: Copies of proposed legislation listed in this agenda, and other related materials received by the SBC after the posting of the agenda, are available for public inspection and/or copying at City Hall Room 110. Please call (415) 554-6134 to make arrangements for pick up or review.

## Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at (415) 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail:

[sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving City Hall include 5 Fulton and 49 Mission/Van Ness, and all Metro lines servicing the Metro station at Van Ness and Market. For more information about MUNI accessible services, call (415) 923-6142. Accessible parking in the vicinity of City Hall is available adjacent to Davies Hall and the War Memorial Complex, and also in the Civic Center Garage (355 McAllister Street) and Performing Arts Garage (360 Grove Street). American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at (415) 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodations, please call the Department of Human Services staff support representative at (415) 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Ave., Suite 220, SF 94102 (415) 252-3100, FAX (415) 252-3112 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



### LEGISLATIVE DIGEST

[Administrative Code - Irrevocable Employer Health Care Expenditure Requirement and Establishment of Health Care Access Assistance Program]

**Ordinance revising the Health Care Security Ordinance to require all health care expenditures to be made irrevocably; to establish a City public benefit program known as the Health Care Access Assistance Program (HCAAP); to describe the public benefits available under each of HCAAP's three component programs, Healthy San Francisco, Covered San Francisco, and Health Care Access Accounts; to set certain eligibility requirements for program participants; and to set an operative date of October 1, 2014.**

#### Existing Law

The Health Care Security Ordinance currently allows covered employers to meet their obligation to make "health care expenditures" on behalf of their covered employees either with irrevocable expenditures, such as insurance premium payments, or with revocable expenditures, such as allocations to health reimbursement accounts where unspent funds return to the employer. Revocable expenditures must meet additional conditions to be credited as "health care expenditures" under the Ordinance. They must be "reasonably calculated to benefit the employee;" remain available to the employee for reimbursement of health care expenses for at least two years from the date of the expenditure or 90 days after separation; and are subject to additional notice and reporting requirements.

The Ordinance includes an alternate provision that goes into effect if a court strikes down or enjoins the extra conditions placed on revocable expenditures. In that event, revocable health care expenditures must remain available to an employee indefinitely, regardless of separation, until the employee's reimbursement account has been inactive for 18 months or the employee has died.

The Ordinance also allows employers to meet their health care spending requirement by making health care expenditures to the City. Under existing law, the City uses those funds on behalf of the employer's covered employees in one of two ways. First, the Ordinance establishes Healthy San Francisco (HSF), a program that provides comprehensive medical care to eligible, uninsured San Francisco residents, regardless of employment or immigration status or preexisting medical conditions. HSF-eligible employees whose employers have made contributions to the City on their behalf receive discounts on HSF program participation fees. If the covered employee is not eligible for HSF, the City creates a Medical Reimbursement Account for that employee in the same amount as the employer's contribution. The Ordinance also requires the Controller to segregate employer health care expenditures from the City's general funds and directs that unclaimed employer funds be used to support HSF.

Amendments to Current Law

As amended, the Ordinance would require "health care expenditures" to be irrevocably paid and, as a result, would no longer credit amounts that could revert to the employer toward the employer's health care spending requirement. It would also delete the alternative provision addressing unfavorable court orders.

The amended Ordinance would continue to permit employers to make payments to the City to satisfy their health care spending requirement, and it would establish a new public health benefit program, the Health Care Access Assistance Program (HCAAP), to benefit the employees whose employers contributed on their behalf. HCAAP would consist of three component programs: HSF, Covered San Francisco, and Health Care Access Accounts.

The proposal would add new eligibility criteria for HSF. While it would continue to be open to eligible, uninsured San Francisco residents, regardless of employment or immigration status or pre-existing medical conditions, the amended Ordinance would also require HSF to be open to residents with family incomes up to 400% of the federal poverty level who are not eligible for subsidized health insurance coverage through Covered California, Medicare, or Medi-Cal. HSF would also be available to residents who are exempt from the mandate of the federal Affordable Care Act to carry health insurance for economic reasons and to those who do not have an affordable offer of insurance coverage as determined by the Department of Public Health (DPH).

Covered San Francisco would be a new benefit program that would provide financial assistance to make individual and family insurance plans offered through Covered California more affordable. Covered San Francisco would be open to eligible, covered employees whose employers made health care expenditures to the City and to their dependents. It could also be opened to others at the discretion of DPH. Covered San Francisco would be funded with employer health care expenditures and could be expanded with grants or City funds if those became available.

Health Care Access Accounts would be available to the remaining employees whose employers made health care expenditures to the City but who were not eligible to participate in Healthy San Francisco or Covered San Francisco.

The amended Ordinance would give DPH the authority and the discretion to set any further eligibility criteria and define the benefits available under each program consistent with the guidance in the Ordinance. It would also give HCAAP participants the right to appeal to DPH if they did not agree with their assignment to one component program (HSF, Covered SF, Health Care Access Accounts) instead of another. Further, it provides that employer health care expenditures must be segregated from other City funds and allocates any unclaimed employer funds to support the HCAAP.



The proposal would become operative on October 1, 2014.

### Background Information

As originally enacted and until 2011, the Health Care Security Ordinance did not contain additional requirements for revocable health care expenditures. According to the information the Office of Labor Standards Enforcement (OLSE) received from employers' annual reporting forms, the average reimbursement rate of employee reimbursement plans in 2010 was 20%, and the median rate was 12%. Over half of the employee reimbursement plans in place for each of the years 2008-2010 had reimbursement rates of between 0 and 10%, meaning that more than half of the employers using revocable expenditures to reimbursement accounts to satisfy their obligations under the Ordinance recaptured 90% or more of their health care expenditures. Conversely, the affected employees received 10% or less of the dollars allocated for their health care.

This information about revocable expenditures raised legislative concern, and in 2011, the Ordinance was amended to include the additional criteria currently in place for revocable health care expenditures. According to the information employers reported to OLSE about their post-amendment expenditures in 2012, the most recent year for which information is currently available, the average reimbursement rate rose to 25%, and the median rate rose to 18%.

Provisions of the Affordable Care Act that went into effect on January 1, 2014, are also likely to affect the uptake rate for reimbursement plans. Employee reimbursement accounts that are not linked to health insurance plans can now only reimburse for limited medical expenses, primarily vision and dental care. Such accounts can no longer reimburse employees for the full range of health care services or for non-vision or dental insurance premiums, co-pays, or prescription drugs. Although employers have not yet reported the reimbursement rates they are experiencing for these much more restricted plans, it is reasonable to assume that the rates will drop, perhaps significantly, below current levels.

Also effective January 1, 2014, the Affordable Care Act implemented state-administered health insurance exchanges for uninsured individuals to purchase health insurance that satisfies the individual insurance mandate. Individuals with a family income below 400% of the federal poverty line may be eligible for federal premium assistance tax credits that make their insurance premiums more affordable, but some of these lower-income individuals do not have access to the tax credits. These ineligible persons include employees who have offers of individual insurance from their employers that cost less than 9% of their family income, regardless of whether the insurance covers their dependents. Undocumented and recent immigrants may also be ineligible for subsidies. These groups and others still may not have access to affordable individual or family insurance despite the significant accessibility and affordability improvements to the insurance marketplace under the Affordable Care Act.



FILE NO.

n:\legan\las2014\1400345\00915433.doc

[Administrative Code - Irrevocable Employer Health Care Expenditure Requirement and Establishment of Health Care Access Assistance Program]

Ordinance revising the Health Care Security Ordinance to require all health care expenditures to be made irrevocably; to establish a City public benefit program known as the Health Care Access Assistance Program (HCAAP); to describe the public benefits available under each of HCAAP's three component programs, Healthy San Francisco, Covered San Francisco, and Health Care Access Accounts; to set certain eligibility requirements for program participants; and to set an operative date of October 1, 2014.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in ~~striketrough italics Times New Roman font~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~striketrough Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Sections 14.1 through 14.8 of Chapter 14, and deleting Section 14.1.5, to read as follows:

**SEC. 14.1. SHORT TITLE; DEFINITIONS.**

(a) Short title. This Chapter shall be known and may be cited as the "San Francisco Health Care Security Ordinance."

(b) Definitions. For purposes of this Chapter, the following terms shall have the following meanings:

↗ "City" means the City and County of San Francisco.

↗ "Covered employee" means any person who works in the City where such person qualifies as an employee entitled to payment of a minimum wage from an employer

1 under the Minimum Wage Ordinance, ~~as provided under~~ Chapter 12R of the ~~San Francisco~~  
2 Administrative Code, and has performed work for compensation for his or her ~~e~~Employer for  
3 ninety (90) days, provided, however, that:

4 ~~(A) From the effective date of this Chapter through December 31, 2007, "at~~  
5 ~~least twelve (12) hours" shall be substituted for "at least two (2) hours" where such term appears in~~  
6 ~~Section 12R.3(a);~~

7 ~~(B) From January 1, 2008 through December 31, 2008, "at least ten (10)~~  
8 ~~hours" shall be substituted for "at least two (2) hours" where such term appears in Section 12R.3(a);~~

9 ~~(1C) Beginning January 1, 2009, "At least eight (8) hours" shall be~~  
10 ~~substituted for "at least two (2) hours" where such term appears in Section 12R.3(a);~~

11 ~~(2D)~~ The term "Covered Employee" shall not include persons who are  
12 managerial, supervisory, or confidential employees, unless such employees earn annually  
13 under ~~\$88,212.72, 450.00 or in 2014 2007~~ and, for subsequent years, the figure as set by the  
14 administering agency;

15 ~~(3E)~~ The term "Covered Employee" shall not include those persons who  
16 are eligible to receive benefits under Medicare or TRICARE/CHAMPUS;

17 ~~(4F)~~ The term "Covered Employees" shall not include those persons  
18 who are "Covered Employees" as defined in Section 12Q.2.9 of the Health Care  
19 Accountability Ordinance, Chapter 12Q of the ~~San Francisco~~ Administrative Code, if the  
20 ~~e~~Employer meets the requirements set forth in Section 12Q.3 for those employees; and

21 ~~(5G)~~ The term "Covered Employees" shall not include those persons  
22 who are employed by a nonprofit corporation for up to one year as trainees in a bona fide  
23 training program consistent with Federal law, which training program enables the trainee to  
24 advance into a permanent position, provided that the trainee does not replace, displace, or  
25 lower the wage or benefits of any existing position or employee.

1 (64) Nor shall the term "Covered Employees" include those persons  
2 whose eEmployers verify that they are receiving hHealth eCare sServices through another  
3 eEmployer, either as an employee or by virtue of being the spouse, domestic partner, ~~or~~ child,  
4 or other dependent of another person; provided that the eEmployer obtains from those persons  
5 a voluntary written waiver of the hHealth eCare eExpenditure requirements of this Chapter and  
6 that such waiver is revocable by those persons at any time.

7 (3) "Covered eEmployer" means any mMedium-sized or lLarge hBusiness as  
8 defined below engaging in business within the City that is required to obtain a valid San  
9 Francisco business registration certificate from the San Francisco Tax Collector's office or, in  
10 the case of a nonprofit corporation, an eEmployer for which an average of fifty (50) or more  
11 persons per week perform work for compensation during a quarter. Small Bbusinesses are not  
12 "Covered Employers" and are exempt from the health care spending requirements under  
13 Section 14.3.

14 "Covered San Francisco" means a public benefit program administered by the  
15 Department of Public Health, funded in whole or in part by Health Care Expenditures made by  
16 Covered Employers to the City under Section 14.3, to make health insurance purchased through  
17 Covered California, or similar state-administered exchanges, more affordable for San Francisco  
18 employees and residents.

19 (4) "Employer" means an employing unit as defined in Section 135 of the  
20 California Unemployment Insurance Code or any pPerson defined in Section 18 of the  
21 California Labor Code. "Employer" shall include all members of a "controlled group of  
22 corporations" as defined in Section 1563(a) of the United States Internal Revenue Code, and  
23 the determination shall be made without regard to Sections 1563(a)(4) and 1563(e)(3)(C) of  
24 the Internal Revenue Code.

1 "Health Care Access Account" means a public health benefit administered by the  
2 Department of Public Health, funded in whole or in part by Health Care Expenditures made by  
3 Covered Employers to the City under Section 14.3, from which eligible Covered Employees may obtain  
4 reimbursement for Health Care Services.

5 "Health Care Access Assistance Program" means a public health benefit program  
6 administered by the Department of Public Health; comprised of Healthy San Francisco, Covered San  
7 Francisco, and Health Care Access Accounts; and intended to maximize enrollment in Covered  
8 California plans and increase every participant's access to Health Care Services.

9 (5) "Health Access Program" means a San Francisco Department of Public Health  
10 program to provide health care for uninsured San Francisco residents.

11 (6) "Health Access Program participant" means any uninsured San Francisco resident,  
12 regardless of employment or immigration status or pre-existing condition, who is enrolled by his or her  
13 employer or who enrolls as an individual in the Health Access Program under the terms established by  
14 the Department of Public Health.

15 (A) "Health Care Expenditure" means an amount irrevocably paid by a Covered  
16 Employer to a Covered Employee or a trustee or a third party on behalf of a Covered Employee for the  
17 purpose of providing or reimbursing the cost of Health Care Services for Covered Employees and/or  
18 their spouses, domestic partners, children, or other dependents. "Health Care Expenditure" also  
19 means an amount paid by a Covered Employer to the City on behalf of a Covered Employee to  
20 establish his or her eligibility to participate in the Health Care Access Assistance Program in the  
21 manner and according to the terms set by the Department of Public Health. "Health Care  
22 Expenditure" shall not include any amount that has been allocated for use by a Covered Employee but  
23 retained by the Employer, nor any amount that has been paid to a trustee or third party but that may at  
24 any time be recovered by or returned to the Employer, nor any amount otherwise required to be paid by  
25 Federal, State, or local law. "Health care expenditure" means any amount paid by a covered employer

1 to its covered employees or to a third party on behalf of its covered employees for the purpose of  
2 providing health care services for covered employees or reimbursing the cost of such services for its  
3 covered employees, including, but not limited to: (i) contributions designated or paid by such employer  
4 on behalf of its covered employees to a health savings account as defined under section 223 of the  
5 United States Internal Revenue Code or to any other account having substantially the same purpose or  
6 effect without regard to whether such contributions qualify for a tax deduction or are excludable from  
7 employee income; (ii) reimbursement by such covered employer to its covered employees for expenses  
8 incurred in the purchase of health care services; (iii) payments by a covered employer to a third party  
9 for the purpose of providing health care services for covered employees; (iv) costs incurred by a  
10 covered employer in the direct delivery of health care services to its covered employees; and (v)  
11 payments by a covered employer to the City to be used on behalf of covered employees. The City may  
12 use these payments to fund membership in the Health Access Program for uninsured San Francisco  
13 residents, and establish and maintain reimbursement accounts for covered employees, whether or not  
14 those covered employees are San Francisco residents.

15 (B) ~~Prior to October 1, 2014, a~~ contribution designated or paid to a health  
16 savings account or to any other account having substantially the same purpose or effect which is not  
17 irrevocably paid to a third party on behalf of a covered employee, shall not constitute a "health care  
18 expenditure" unless all of the following conditions are met:

19 (i) ~~The contribution is reasonably calculated to benefit the employee;~~  
20 (ii) ~~Except as provided in clause (v)(a), the contribution remains~~  
21 ~~available to the employee (and any other person eligible for reimbursement for health care expenses~~  
22 ~~through the employee) for a minimum of twenty-four (24) months from the date of the contribution.~~

23 (iii) ~~On January 1, 2012, the account contains an amount equal to the~~  
24 ~~balance in the account at the close of business on December 31, 2011, if any.~~

1                                   (iv) ~~The employee receives a written summary of the contribution, within~~  
2 ~~15 days of the contribution which shall include: (a) the name, address, and telephone number of any~~  
3 ~~third party to whom the contribution was made; (b) the date and amount of the contribution; (c) the~~  
4 ~~date and amount of any other debits or credits to the account since the most recent written summary~~  
5 ~~provided to the employee; (d) the balance in the account; and, (e) any applicable expiration dates for~~  
6 ~~the funds in the account.~~

7                                   (v) ~~If the employee separates from employment with a positive balance~~  
8 ~~in a reimbursement account: (a) the balance in the account shall remain available to the employee (and~~  
9 ~~any other person eligible for reimbursement for health care expenses through the employee) for a~~  
10 ~~minimum of ninety days from the date of separation; and, (b) the employee shall receive, within three~~  
11 ~~days following the separation, a written notice, which shall include the balance in the account and any~~  
12 ~~applicable expiration dates for the funds in the account.~~

13                               Notwithstanding any other provision of this subsection, "health care expenditure" shall not  
14 include any payment made directly or indirectly for workers' compensation or Medicare benefits.

15                               ~~(8)~~ "Health ~~e~~Care ~~e~~Expenditure ~~r~~Rate" means the amount of ~~h~~H ~~e~~Care  
16 ~~e~~Expenditure that a ~~C~~e ~~o~~v ~~e~~mployer shall be required to make for each ~~h~~H ~~o~~u ~~r~~ ~~p~~a ~~id for  
17 each of its ~~C~~e ~~o~~v ~~e~~mployees each quarter. ~~The "health care expenditure rate" shall be~~  
18 ~~computed as follows:~~~~

19                               ~~(A)~~ ~~From the effective date of this Chapter through June 30, 2007, \$1.60 per~~  
20 ~~hour for large businesses and \$1.06 per hour for medium-sized businesses;~~

21                               ~~(B)~~ ~~From July 1, 2007 through December 31, 2007, January 1, 2008 through~~  
22 ~~December 31, 2008, and January 1, 2009 through December 31, 2009, the rates for large and medium-~~  
23 ~~sized businesses shall increase five (5) percent over the expenditure rate calculated for the preceding~~  
24 ~~year;~~

1 ~~(C)~~ From January 1, 2010 and each year thereafter, ~~t~~The "hHealth Ccare

2 Expenditure Rate" shall be determined annually based on the "average contribution" for a

3 full-time employee to the City Health Service System pursuant to Section A8.423 of the San

4 Francisco Charter based on the annual ten county survey amount for the applicable fiscal

5 year, with such average contribution prorated on an hourly basis by dividing the monthly

6 average contribution by one hundred seventy-two (172) (the number of hours worked in a

7 month by a full-time employee). The "~~h~~Health ~~e~~Care ~~e~~Expenditure ~~r~~Rate" shall be seventy-five

8 percent (75%) of the annual ten county survey amount for the applicable ~~calendar~~fiscal year for

9 ~~L~~arge ~~b~~Businesses and fifty percent (50%) for ~~m~~Medium-sized ~~b~~Businesses.

10 ~~(D)~~ "Health Care Services" means medical care, services, or goods that may

11 qualify as tax deductible medical care expenses under Section 213 of the Internal Revenue

12 Code, or medical care, services, or goods having substantially the same purpose or effect as

13 such deductible expenses.

14 "Healthy San Francisco" means a Department of Public Health program to provide

15 health care for uninsured San Francisco residents who meet the eligibility criteria established by the

16 Department of Public Health.

17 ~~(H)~~ "Hour paid" or "~~h~~Hours paid" means a work hour or work hours for which

18 a person is paid wages or is entitled to be paid wages for work performed within the City,

19 including paid vacation hours and paid sick leave hours, but not exceeding 172 hours in a

20 single month. For salaried persons, "hours paid" shall be calculated based on a 40-hour work

21 week for a full-time employee.

22 ~~(I)~~ "Large ~~b~~Business" means an ~~e~~Employer for which an average of one

23 hundred (100) or more persons per week perform work for compensation during a quarter.

24

25



1           (12) "Medium-sized business" means an employer for which an average of  
2   between twenty (20) and ninety-nine (99) persons per week perform work for compensation  
3   during a quarter.

4           (13) "Person" means any natural person, corporation, sole proprietorship,  
5   partnership, association, joint venture, limited liability company, or other legal entity.

6           (14) "Required hHealth Care expenditure" means the total health care  
7   expenditure that a Covered Employer is required to make every quarter for all its Covered  
8   Employees.

9           (15) "Small business" means an employer for which an average of fewer than  
10   twenty (20) persons per week perform work for compensation during a quarter.

11       ~~SEC. 14.1.5. ALTERNATE PROVISIONS.~~

12       ~~(a) If the City Attorney certifies to the Mayor and the Board of Supervisors that a court of~~  
13   ~~competent jurisdiction in a lawsuit brought by or on behalf of a Covered Employer has struck down the~~  
14   ~~provisions of Section 14.1.5, or permanently enjoined their enforcement, then the following provisions~~  
15   ~~shall become operative on the first day of the next calendar quarter following the City Attorney's~~  
16   ~~certification.~~

17       ~~Notwithstanding any other provision of this Chapter, "health care expenditure" shall~~  
18   ~~only include an amount irrevocably paid by a covered employer to a covered employee or to a third~~  
19   ~~party on behalf of a covered employee. An amount that is retained by the employer or that may be~~  
20   ~~recovered by or returned to the employer shall not constitute a "health care expenditure." An amount~~  
21   ~~paid to a third party for the purpose of reimbursing a covered employee for expenses incurred in the~~  
22   ~~purchase of health care services shall not constitute a "health care expenditure" unless any unused~~  
23   ~~funds carry over from quarter to quarter and from year to year and remain available to the covered~~  
24   ~~employee, even after the covered employee's separation from employment.~~

1                   Notwithstanding the above, an amount paid as a "health expenditure" may be recovered  
2 by or returned to the employer without losing its status as a "health care expenditure" in the following  
3 circumstances:

4                   (A) A former employee has not made a claim for any of the remaining available  
5 funds for 18 months (including a claim made on behalf of any other person eligible for reimbursement  
6 from health care expenses from the former employee's remaining available funds); or,

7                   (B) The covered employee has died.

8                   ~~(b) If the City Attorney subsequently certifies to the Mayor and the Board of Supervisors that~~  
9 ~~an order enjoining enforcement of the provisions of Section 14.1.5 has been lifted, then the original~~  
10 ~~provisions shall again become operative on the first day of the next calendar quarter following the City~~  
11 ~~Attorney's certification.~~

12                   **SEC. 14.2. SAN FRANCISCO HEALTH CARE ACCESS ASSISTANCE PROGRAM**  
13 **AND REIMBURSEMENT ACCOUNTS.**

14                   (a) The San Francisco Department of Public Health shall administer the Health Care  
15 Access Assistance Program, comprised of Healthy San Francisco, Covered San Francisco, and  
16 Health Care Access Accounts. The Department shall determine eligibility and benefits under each  
17 program component to maximize participants' overall access to Health Care Services.

18                   ~~(b) Under Healthy San Francisco the Health Access Program, eligible~~ uninsured San  
19 Francisco residents may obtain health care from a network consisting of San Francisco  
20 General Hospital and the Department of Public Health's clinics, and other community non-  
21 profit and private providers that meet the program's quality and other criteria for participation.  
22 ~~Healthy San Francisco The Health Access Program~~ is not an insurance plan for Healthy San  
23 Francisco Health Access Program participants.

1           (b) ~~The Department of Public Health shall coordinate with a third-party vendor to administer~~  
2 ~~program operations, including basic customer services, enrollment, tracking service utilization, billing,~~  
3 ~~and communication with the participants.~~

4           (c) ~~Healthy San FranciscoThe Health Access Program~~ shall be open to eligible, uninsured  
5 San Francisco residents, ~~regardless of employment status~~. Eligibility criteria shall be established  
6 by the Department of Public Health; ~~and shall include eligibility for persons (1) with family incomes~~  
7 ~~up to 400% of the federal poverty level who are not eligible for subsidized health insurance coverage~~  
8 ~~through Covered California or for Medicare or Medi-Cal; or (2) who are exempt, due to economic~~  
9 ~~hardship or the cost of employer-sponsored coverage, from the mandate of the federal Affordable Care~~  
10 ~~Act to carry health insurance; or (3) who do not have an affordable offer of insurance coverage as~~  
11 ~~determined by the Department of Public Health. but n~~No person shall be excluded from Healthy  
12 ~~San FranciscoThe Health Access Program~~ based on employment or immigration status or a pre-  
13 existing condition. ~~Participants may enroll themselves as individuals, with the terms of enrollment to~~  
14 ~~be determined pursuant to Section 14.4(a).~~

15           (d) ~~Healthy San FranciscoThe Health Access Program~~ may be funded from a variety of  
16 sources, including health care expenditures by ~~payments from C~~covered ~~E~~employers pursuant to  
17 Section 14.3, from individuals, and from the City. Funding from the City shall prioritize  
18 services for low and moderate income persons, with costs based on Healthy San  
19 ~~FranciscoHealth Access Program~~ participant's' ability to pay.

20           (e) ~~Healthy San FranciscoThe Health Access Program~~ shall use the "Medical Home" model  
21 in which a primary care physician, nurse practitioner, or physician assistant develop and direct  
22 a plan of care for each Healthy San FranciscoHealth Access Program participant, coordinate  
23 referrals for testing and specialty services, and monitor management of chronic conditions  
24 and diseases. Healthy San FranciscoHealth Access Program participants shall be assigned to a  
25 primary care physician, nurse practitioner, or physician assistant.

1 (f) ~~Healthy San Francisco~~~~The Health Access Program~~ shall provide medical services with  
2 an emphasis on wellness, preventive care and innovative service delivery. The ~~p~~Program shall  
3 provide medical services for the prevention, diagnosis, and treatment of medical conditions,  
4 excluding vision, dental, infertility, and cosmetic services. The Department of Public Health  
5 may further define the services to be provided, except that such services must, at a minimum,  
6 include: professional medical services by doctors, nurse practitioners, physician assistants,  
7 and other licensed health care providers, including preventive, primary, diagnostic and  
8 specialty services; inpatient and outpatient hospital services, including acute inpatient mental  
9 health services; diagnostic and laboratory services, including therapeutic radiological services;  
10 prescription drugs, excluding drugs for excluded services; home health care; and emergency  
11 care provided in San Francisco by contracted providers, including emergency medical  
12 transportation if needed.

13 (g) Covered San Francisco shall provide financial assistance to eligible participants to offset a  
14 portion of the cost of health insurance purchased through Covered California or similar state-  
15 administered exchanges as determined by the Department of Public Health.

16 (h) Participation in Covered San Francisco shall be available to eligible Covered Employees  
17 whose Employers make health care expenditures to the City on their behalf, to their dependents, and to  
18 others as determined by the Department of Public Health.

19 (i) The Department of Public Health shall annually determine the level of public benefits  
20 available to Covered San Francisco participants subject to the following:

21 (1) That the costs of Covered San Francisco shall be met by Health Care Expenditures  
22 made by Covered Employers to the City pursuant to Section 14.3, in addition to any funds that may be  
23 made available by the Board, allocated at the discretion of the Department of Public Health, or  
24 received as grants.

1                   (2) That the design of the Covered San Francisco public benefit shall incentivize  
2 enrollment in Covered California health plans so as to maximize affordability for participants, taking  
3 into account both the individual share of premiums and other individual cost sharing under the terms of  
4 these plans.

5                   (i) The Department of Public Health shall coordinate with Covered California and other state  
6 or federal agencies as appropriate to create mechanisms for the efficient coordination of Covered San  
7 Francisco benefits and to minimize the administrative burden placed on Covered San Francisco  
8 participants and on the City.

9                   (kg) The Department of Public Health shall also be authorized to use payments made  
10 to the City by ~~Covered e~~Employers to satisfy their Health Care Expenditure requirements as set  
11 forth in Section 14.3 to establish and maintain Health Care Access reimbursement Aaccounts  
12 from which eligible Covered Employees may obtain reimbursement of ~~H~~Health ~~e~~Care  
13 eExpenditures in the amount and under the terms set by the Department of Public Health. Such  
14 Health Care Access Accounts shall be made available to Covered Employees who are not eligible for  
15 Healthy San Francisco or Covered San Francisco, including Medi-Cal enrollees and others as  
16 determined by the Department of Public Health.

17                   (l) The Department of Public Health shall promulgate information about the Health Care  
18 Access Assistance Program and each of its components to maximize awareness of these public health  
19 benefits and to maximize enrollment in Covered California or other forms of health insurance.

20                   (m) The Department of Public Health may coordinate with a third party vendor to administer  
21 program operations, including enrollment, tracking service utilization, billing, and communication with  
22 the participants.

23                   (n) The Department of Public Health shall establish a procedure by which participants in the  
24 Health Care Access Assistance Program may appeal their placement in the Healthy San Francisco,  
25 Covered San Francisco, or Health Care Access Account programs.

1           (~~oh~~) The City Controller shall ensure ~~that~~ any ~~required~~ ~~hHealth eCare eExpenditures~~  
2       made by an ~~Covered eEmployer~~ to the City pursuant to Section 14.3 are kept separate and apart  
3       from general funds and shall limit use of the expenditures to support the Health Care Access  
4       Assistance Program.~~or to the establishment and maintenance of reimbursement accounts from which~~  
5       ~~covered employees may obtain reimbursement of health care expenditures. If any covered employee~~  
6       ~~fails to enroll in the Health Access Program or establish a reimbursement account with the Department~~  
7       ~~of Public Health within a reasonable time, as determined by the Department of Public Health, the City~~  
8       ~~may use the funds paid to the City and County of San Francisco on behalf of that employee for the~~  
9       ~~benefit of the health care programs created by this Ordinance, but the City may not transfer these funds~~  
10      ~~to the City's general fund.~~

#### 11           SEC. 14.3. REQUIRED HEALTH CARE EXPENDITURES.

12           (a) **Required Expenditures.** Covered ~~E~~mployers shall make ~~R~~required ~~hHealth eCare eExpenditures~~  
13       ~~eExpenditures~~ to or on behalf of their ~~C~~overed ~~E~~mployees each quarter. The ~~R~~required  
14       ~~hHealth eCare eExpenditure~~ for a ~~C~~overed ~~E~~mployer shall be calculated by multiplying the  
15       total number of hours paid for each of its ~~C~~overed ~~E~~mployees during the quarter (including  
16       only hours starting on the first day of the calendar month following ninety (90) calendar days  
17       after a ~~C~~overed ~~E~~mployee's date of hire) by the applicable ~~hHealth eCare eExpenditure~~  
18       ~~R~~Rate. In determining whether a ~~C~~overed ~~E~~mployer has made its ~~R~~required ~~hHealth eCare~~  
19       ~~eExpenditures~~, payments to or on behalf of a ~~C~~overed ~~E~~mployee shall not be considered if  
20       they exceed the following amount: the number of hours paid for the ~~C~~overed ~~E~~mployee  
21       during the quarter multiplied by the applicable ~~hHealth eCare eExpenditure R~~Rate. The City's  
22       Office of Labor Standards Enforcement (OLSE) shall enforce the ~~hHealth eCare eExpenditure~~  
23       requirements under this Section 14.3.

1           **(b) Employer Notice to Employees.**

2           (1) By December 1 of each year, OLSE shall publish and make available to  
3 Covered Employers, in all languages spoken by more than five percent of the San Francisco  
4 work force, a notice suitable for posting by Covered Employers in the workplace informing  
5 Covered Employees of their rights and the Covered Employer's obligations under the  
6 Ordinance.

7           (2) Every Covered Employer shall post in a conspicuous place at any workplace  
8 or job site where any Covered Employee works the notice published each year by OLSE.  
9 Every Covered Employer shall post such notices in English, Spanish, Chinese and any other  
10 language spoken by at least five percent of the Employees at the workplace or job site.

11           **(c) Additional Employer Responsibilities.** A ~~C~~covered ~~E~~mployer shall: *(i1)*  
12 maintain accurate records of ~~h~~Hhealth ~~e~~Care ~~e~~Expenditures, ~~R~~required ~~h~~Hhealth ~~e~~Care  
13 ~~e~~Expenditures, and proof of such expenditures made each quarter each year, and allow OLSE  
14 reasonable access to such records, provided, however, that ~~C~~covered ~~E~~mployers shall not be  
15 required to maintain such records in any particular form; and *(i2)* provide information to ~~the~~  
16 OLSE, or ~~the~~ OLSE's designee, on an annual basis containing such other information as  
17 OLSE shall require, including information on the ~~e~~Employer's compliance with this Chapter,  
18 but OLSE may not require an ~~e~~Employer to provide information in violation of State or federal  
19 privacy laws. ~~If a eCovered eEmployer uses a health reimbursement account to satisfy its obligation to~~  
20 ~~make health care expenditures for any of its eCovered eEmployees, the eEmployer shall also report to~~  
21 ~~OLSE the terms of such accounts, including what costs are eligible for reimbursement.~~

22           Where an ~~e~~Employer does not maintain or retain adequate records documenting the  
23 ~~h~~Hhealth ~~C~~Care ~~e~~Expenditures made, or does not allow OLSE reasonable access to such  
24 records, it shall be presumed that the ~~e~~Employer did not make the ~~R~~required ~~h~~Hhealth ~~C~~Care  
25 ~~e~~Expenditures for the quarter for which records are lacking, absent clear and convincing



1 evidence otherwise. The Office of Treasurer and Tax Collector shall have the authority to  
2 provide any and all nonfinancial information to OLSE necessary to fulfill OLSE's  
3 responsibilities as the enforcing agency under this ~~Chapter~~Ordinance. With regard to all such  
4 information provided by the Office of Treasurer and Tax Collector, OLSE shall be subject to  
5 the confidentiality provisions of Subsection (a) of Section 6.22-1 of the San Francisco  
6 Business and Tax Regulations Code.

7 (d) If a Covered Employer imposes a surcharge on its customers to cover in whole or  
8 in part the costs of the ~~HHealth eCare eExpenditure~~ requirement under this Chapter, the  
9 Covered Employer shall provide to OLSE on an annual basis the amount collected during the  
10 12-month reporting period from the surcharge for employee health care and the amount spent  
11 on employee health care. If the amount collected from the surcharge is greater than the  
12 amount spent on employee health care, the Covered Employer must irrevocably pay or  
13 designate an amount equal to that difference for ~~HHealth eCare eExpenditures~~ for its Covered  
14 Employees under this Chapter. OLSE may refer any potential cases of consumer fraud to  
15 appropriate authorities.

#### 16 SEC. 14.4. ADMINISTRATION AND ENFORCEMENT.

17 (a) The City shall develop and promulgate rules and regulations to govern the operation  
18 of this Chapter. ~~The regulations shall include specific rules by~~ The Department of Public Health  
19 ~~shall develop and promulgate rules and regulations to govern on~~ the operation of ~~both~~ the Health  
20 Care Access Assistance Program ~~and the reimbursement accounts~~ identified in Section 14.2(~~et~~),  
21 including but not limited to eligibility for enrollment in Healthy San Francisco and Covered San  
22 Francisco ~~the Health Access Program~~ and ~~the~~ establishment of Health Care Access ~~reimbursement~~  
23 accounts ~~and rules by the~~ OLSE shall develop and promulgate rules and regulations for  
24 enforcement of the obligations of ~~the e~~Employers under this Chapter. The rules and regulations  
25 shall also establish procedures for Cecovered Employers to maintain accurate records of



1 ~~h~~Health ~~e~~Care ~~e~~Expenditures and ~~R~~required ~~h~~Health ~~e~~Care ~~e~~Expenditures and provide a report  
2 to ~~the~~ OLSE City without requiring any disclosures of information that would violate State or  
3 Federal privacy laws. The rules and regulations shall further establish procedures for providing  
4 ~~e~~Employers notice that they may have violated this Chapter, a right to respond to the notice, a  
5 procedure for notification of the final determination of a violation, and an appeal procedure  
6 before a hearing officer appointed by the City Controller. The sole means of review of the  
7 hearing officer's decision shall be by filing in the San Francisco Superior Court a petition for a  
8 writ of mandate under Section 1094.5 of the California Code of Civil Procedure. No rules shall  
9 be adopted finally until after a public hearing.

10 (b) ~~During implementation of this Chapter and on an ongoing basis thereafter, t~~The City shall  
11 maintain an education and advice program to assist ~~e~~Employers with meeting the  
12 requirements of this Chapter.

13 (c) Any ~~e~~Employer that reduces the number of employees below the number that  
14 would have resulted in the ~~e~~Employer being considered a "~~C~~ecovered ~~E~~employer," or below the  
15 number that would have resulted in the ~~e~~Employer being considered a ~~m~~Medium-sized or  
16 ~~H~~Large ~~B~~Business, shall demonstrate that such reduction was not done for the purpose of  
17 evading the obligations of this Chapter or shall be in violation of ~~thi~~se Chapter.

18 (d) It shall be unlawful for any ~~e~~Employer or ~~C~~ecovered ~~E~~employer to deprive or threaten  
19 to deprive any person of employment, take or threaten to take any reprisal or retaliatory action  
20 against any person, or directly or indirectly intimidate, threaten, coerce, command or influence  
21 or attempt to intimidate, threaten, coerce, command or influence any person because such  
22 person has cooperated or otherwise participated in an action to enforce, inquire about, or  
23 inform others about the requirements of this Chapter. Taking adverse action against a person  
24 within ninety (90) days of the person's exercise of rights protected under this Chapter shall  
25 raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

(e) (1) The City shall enforce the obligations of Ceovered Employers under this Chapter, including requiring restitution to employees where appropriate, and shall impose administrative penalties ~~upon~~ Ceovered Employers who fail to make Required hHealth eCare eExpenditures on behalf of their employees within five business days of the quarterly due date. ~~Failure to make a required health care expenditure shall include making a purported expenditure that is determined by OLSE not to be reasonably calculated to benefit the employee.~~ The amount of the penalty shall be up to one-and-one-half times the total expenditures that a Ceovered Employer failed to make, but in any event the total penalty for this violation shall not exceed \$100 for each employee for each quarter that the required expenditures were not made within five business days of the quarterly due date. ~~The \$100 penalty limit shall increase each year by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.~~

(2) For other violations of this Chapter by eEmployers and Ceovered Employers, the maximum administrative penalties shall be as follows: For refusing to allow access to records, pursuant to Section 14.3(c), \$25.00 as to each worker whose records are in issue for each day that the violation occurs; for the failure to maintain or retain accurate and adequate records pursuant to Section 14.3(c) and for the failure to make the annual reports of information required by OLSE pursuant to Sections 14.3(c) and 14.3(d), \$500.00 for each quarter that the violation occurs; for violation of Section 14.4(d) (retaliation), \$100.00 as to each person who is the target of the prohibited action for each day that the violation occurs; and for any other violation not specified in this subsection (e)(2), \$25.00 per day for each day that the violation occurs.

(3) The City Attorney may bring a civil action to recover civil penalties for the violations set forth in subsections (e)(1) and (e)(2) in the same amounts set forth in those subsections, and to recover the City's enforcement costs, including attorneys' fees.

(4) Penalties Amounts recovered under this Section 14.4 shall be deposited in the City's General Fund.

~~—(f) The City Controller shall coordinate with the Department of Public Health and OLSE to prepare periodic reports on the implementation of this Chapter including participant rates, any effect on services provided by the Department of Public Health, the cost of providing services to the Health Care Access Assistance Program participants and the economic impact of the Chapter's provisions. Reports shall be provided to the Board of Supervisors on a quarterly basis for quarters beginning July 1, 2007 through June 30, 2008, then every six months through June 30, 2010. Reports shall include specific information on any significant event affecting the implementation of this Chapter and also include recommendations for improvement where needed, in which case the Board of Supervisors or a committee thereof shall hold a hearing within thirty (30) days of receiving the report to consider responsive action.~~

~~—(g) The Director of Public Health shall convene an advisory Health Access Working Group to provide the Department of Public Health and the Health Access Program with expert consultation and direction, with input on members from the Mayor and the Board of Supervisors. The Health Access Working Group shall be advisory in nature and may provide the Health Access Program with input on matters including: setting membership rates; designing the range of benefits and health care services for participants; and researching utilization, actuaries, and costs.~~

~~(h) The Department of Public Health and the OLSE shall report to the Board of Supervisors by July 1, 2007, on the development of rules for the Health Access Program and for the enforcement and administration of the employer obligations under this Chapter. The Board of Supervisors or a committee thereof shall hold a hearing on the proposed rules to ensure that participants in the Health Access Program shall have access to high quality and culturally competent services.~~

#### **SEC. 14.5. SEVERABILITY.**

If any section, subsection, clause, phrase, or ~~word~~portion of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court ~~or Federal or State agency~~ of competent jurisdiction, such ~~portion shall be deemed a separate, distinct and independent provision and such holding~~ decision shall not affect the validity of the remaining portions of this Chapter~~thereof~~. The Board of Supervisors hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter would be subsequently declared invalid or unconstitutional. To this end, the provisions of this ordinance shall be deemed severable.

#### **SEC. 14.6. NO CONFLICT WITH FEDERAL OR STATE LAWPREEMPTION.**

Nothing in this Chapter shall be interpreted or applied so as to create any power, duty or obligation in conflict with, ~~or preempted by,~~ any Federal or State law.

#### **SEC. 14.7. GENERAL WELFARE.**

By this Chapter, the City is assuming an undertaking only to promote the general welfare and otherwise satisfy its obligations to provide health care under applicable law. This Chapter should in no way be construed as an expansion of the City's existing obligations to provide health care under State and Federal law, and the City shall set all necessary criteria for enrollment consistent with its legal obligations. The City is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages

1 to any pPerson who claims that such breach proximately caused injury. To the fullest extent  
2 permitted by law, the City shall assume no liability whatsoever. To the fullest extent permitted  
3 by law, any actions taken by a public officer or employee under the provisions of this Chapter  
4 shall not become a personal liability of any public officer or employee of the City.

#### 5 SEC. 14.8. OPERATIVE DATE.

6 *The changes in this Chapter resulting from enactment of Ordinance No. \_\_\_\_\_ shall*  
7 *become operative on October 1, 2014 or the effective date of said ordinance, whichever is later. in*  
8 *three phases. The day this Chapter becomes effective, implementation of the Chapter shall commence.*  
9 *The Health Access Program shall become operative on July 1, 2007. Any requirements on employers*  
10 *for which an average of fifty (50) or more persons per week perform work for compensation during a*  
11 *quarter shall become operative on January 1, 2008. Any requirements on employers for which an*  
12 *average of from twenty (20) to forty nine (49) persons per week perform work for compensation during*  
13 *a quarter shall become operative on April 1, 2008. This Chapter is intended to have prospective effect*  
14 *only.*

15  
16 Section 2. Effective Date and Operative Date. This Chapter shall become effective 30  
17 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
18 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
19 or the Board of Supervisors overrides the Mayor's veto of the ordinance. As indicated in  
20 Section 14.8 of the Administrative Code, this ordinance shall become operative on October 1,  
21 2014 or its effective date, whichever is later.

22  
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: Sherri Sokeland Kaiser  
Deputy City Attorney

n:\leganalas2014\1400345\00915579.doc



## LEGISLATIVE DIGEST

[Building Code - Vacant or Abandoned Commercial Storefronts and Registration Fee]

**Ordinance amending the Building Code to establish a procedure for maintaining and registering vacant or abandoned commercial storefronts, including imposition of a registration fee.**

### Existing Law

Building Code Section 103A.4 *et. seq.*, the Vacant or Abandoned Building Ordinance ("VABO"), requires that owners of vacant or abandoned buildings in San Francisco register their properties as such, pay registration fees, secure their properties to deny access to would-be trespassers, and provide proof of liability insurance coverage for the properties. VABO, as it currently reads, applies to some vacant commercial storefronts in San Francisco. However, a building containing a vacant commercial storefront but an occupied second floor unit is technically not a vacant or abandoned building, as defined by VABO. Hence, many vacant commercial storefronts in San Francisco evade VABO regulations under this loophole.

### Amendments to Current Law

By amending the Building Code to apply requirements similar to those specified in VABO to properties containing vacant or abandoned commercial storefronts, owners of properties in commercial corridors will have extra incentive to seek suitable tenants to fill their vacant or abandoned commercial storefronts. To provide owners of vacant or abandoned commercial storefronts with ample time to find suitable tenants, the proposed amendment to the Building Code would mandate owners of vacant or abandoned commercial storefronts to do the following within 30 days of issuance of a Notice of Violation:

1. Register their commercial storefronts with the Department of Building Inspection ("DBI");
2. Secure their commercial storefronts to prevent trespassers from gaining access to the premises;
3. Remove graffiti, refuse, and debris from in and around their commercial storefronts; and
4. Maintain fire and/or liability insurance coverage for their commercial storefronts as DBI determines necessary.

Additionally, owners of vacant or abandoned commercial storefronts would be required to do either of the following within 270 days of their commercial storefronts becoming vacant or abandoned:



1. Rent their commercial storefronts to tenants who occupy the premises in a manner that complies with all state and local laws; or
2. Pay a fee of \$765.00 to include their commercial storefronts in the Registry of Vacant or Abandoned Commercial Storefronts. This fee shall be assessed on an annual basis for each year that a commercial storefront remains vacant or abandoned.

Finally, the proposed amendment carves out an exemption for owners of commercial storefronts who demonstrate a good faith effort to rent, lease, or sell their commercial storefronts, or obtain permits to bring their commercial storefronts into compliance with the law.

n:\Vegan\as2014\1400434\00913763.doc

[Building Code - Vacant or Abandoned Commercial Storefronts and Registration Fee]

Ordinance amending the Building Code to establish a procedure for maintaining and registering vacant or abandoned commercial storefronts, including imposition of a registration fee.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~striketrough-italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~striketrough Arial font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors hereby finds and determines that:

Every commercial corridor in San Francisco has longstanding and blighted vacant commercial storefronts. In addition to being eyesores, these vacant commercial storefronts have a detrimental impact on the economic viability of the commercial corridors in which they are located. Vacant storefronts often attract illegal activity, such as squatting, vandalism, and dumping. Such activity not only repels would-be customers and patrons from commercial corridors, but also places an undue burden on City agencies. The Police Department and the Department of Public Works drain their resources by routinely responding to the same vacant commercial storefronts to remove trespassers, clean up graffiti, and remove illegally discarded refuse and debris.

Section 2. Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered this ordinance on \_\_\_\_\_ at a duly noticed public hearing.

Section 3. Findings under the California Health and Safety Code. The Board of Supervisors hereby finds that this ordinance does not modify a State "building standard," as

1 that term is defined in Section 18909 of the California Health and Safety Code. Therefore, the  
2 finding of local climactic, geological, or topographical conditions required by Sections 18941.5  
3 and 17958.7 of the California Health and Safety Code is not required.

4 Section 4. The Building Code is hereby amended by amending Section 103A.4.1 to  
5 read as follows:

6 103A.4.1 Definition. A building shall be defined as a vacant or abandoned if it (1) is  
7 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar  
8 means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is  
9 unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days. A  
10 building which is partially unoccupied and has been cited for blight under Chapter 80 of the  
11 San Francisco Administrative Code, shall also be deemed a vacant or abandoned building  
12 that is subject to this Section. Commercial Storefronts, as defined in Section 103A.5.1 of this Code,  
13 located within vacant or abandoned buildings shall be subject to the enforcement provisions in Sections  
14 103A.5-103A.5.6 of this Code.

15 For purposes of this Section 103A.4. a building shall not be considered vacant or  
16 abandoned if:

17 (1) There is a valid building permit for repair, rehabilitation, or construction of a  
18 building on the parcel and the owner completes the repair, rehabilitation, or construction within  
19 one year from the date the initial permit was issued; or

20 (2) The building complies with all codes, does not contribute to blight as defined in  
21 Chapter 80 of the San Francisco Administrative Code, is ready for occupancy, and is actively  
22 being offered for sale, lease, or rent.

23 Section 5. The Building Code is hereby amended by adding Section 103A.5 including  
24 Sections 103A.5.1 through 103A.5.6, to read as follows:

1 SEC. 103A.5.: VACANT OR ABANDONED COMMERCIAL STOREFRONTS—ANNUAL  
2 REGISTRATION; REGISTRATION FEES; MAINTENANCE AND SECURITY  
3 REQUIREMENTS.

4 SEC. 103A.5.1. DEFINITIONS.

5 For the purposes of Section 103A.5, including Sections 103A.5.1-103A.5.3.6:

6 "Commercial Storefront" A Commercial Storefront shall be any area within a building that may be  
7 individually leased or rented for any purpose other than Residential Use as defined in Planning Code  
8 Sections 790.88 and 890.88.

9 "Vacant or Abandoned." A Commercial Storefront shall be Vacant or Abandoned if it (1) is  
10 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar means; or  
11 (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is unoccupied and has  
12 multiple code violations; or (5) has been unoccupied for over 30 days. Notwithstanding the foregoing  
13 sentence, a Commercial Storefront shall not be considered Vacant or Abandoned if:

14 (1) There is a valid building permit for repair, rehabilitation, or construction of the  
15 Commercial Storefront and the owner completes the repair, rehabilitation, or construction within one  
16 year from the date the initial permit was issued; or

17 (2) The owner or leaseholder has filed an application for, and is actively seeking to obtain,  
18 authorization, permits or a license required by state or local law permitting the lawful use and  
19 occupancy of the Commercial Storefront; or

20 (3) The Commercial Storefront complies with all provisions of state and local law, does not  
21 contribute to blight as defined in Chapter 80 of the Administrative Code, is ready for occupancy, and  
22 the owner provides evidence satisfactory to the Department that the Commercial Storefront is actively  
23 being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence  
24 that the owner has hired a real estate agent or other rental agent who advertises and promotes the

1 Commercial Storefront for rent, lease or sale, or proof that the Commercial Storefront is offered for  
2 sale on the Multiple Listing Service or any other comparable real estate listing service.

3 **SEC. 103A.5.2. PROPERTY OWNER'S OBLIGATION TO REGISTER A VACANT OR**  
4 **ABANDONED COMMERCIAL STOREFRONT; REGISTRATION FEE.**

5 The owner of a Vacant or Abandoned Commercial Storefront shall, within 30 days after it has  
6 become vacant or abandoned, register the Commercial Storefront with the Department on a form  
7 provided by the Department. The form shall describe the methods by which the owner has secured the  
8 Commercial Storefront against unauthorized entry, declare any future plans for the Commercial  
9 Storefront, state whether there is fire and liability insurance coverage, and provide such other  
10 information as the Department may require. A registration fee shall be due 270 days after the  
11 Commercial Storefront has become vacant or abandoned ("registration payment deadline"). The  
12 registration payment deadline will serve as the date for calculating an annual renewal fee which shall  
13 be paid every year the Commercial Storefront remains Vacant or Abandoned. However, if the owner  
14 rents the Commercial Storefront to a tenant who occupies the premises in a manner that complies with  
15 all provisions of state and local law prior to the registration payment deadline, the Commercial  
16 Storefront shall be removed from the Department's registry and the owner need not pay the registration  
17 fee. The registration fee shall be equal to the amount due under Section 103A.4.2 of this Code. See  
18 Section 110A, Table 1A-J for applicable fees.

19 **SEC. 103A.5.3. MAINTENANCE OF VACANT OR ABANDONED COMMERCIAL**  
20 **STOREFRONT REGISTRY.**

21 The Department shall maintain a registry of all Vacant or Abandoned Commercial Storefronts  
22 within the City and shall furnish a copy of the registry to the Office of Economic and Workforce  
23 Development at least once per fiscal quarter.  
24  
25

1           **SEC. 103A.5.4. NOTICE.**

2           *Whenever the Director has probable cause to believe, based upon an inspection, complaint, or*  
3 *report from another agency of the City or other governmental agency, that a Commercial Storefront is*  
4 *Vacant or Abandoned and has not been registered as required by Section 103A.5.2, the Director shall*  
5 *serve the owner of record, as shown on the Assessor's Records, or authorized agent with a written*  
6 *notice requiring the owner to register the Commercial Storefront with the Department as Vacant or*  
7 *Abandoned within the period of time specified in the notice, which shall be no greater than 30 days.*  
8 *Additionally, the owner shall pay the associated registration fee within 270 days of the issuance of the*  
9 *notice to register. If the owner rents the Vacant or Abandoned Commercial Storefront to a tenant who*  
10 *meets all requirements provided in Section 103A.5.2 before the registration payment deadline lapses,*  
11 *then the owner need not pay the registration fee.*

12           **SEC. 103A.5.5. SIGN POSTING, MAINTENANCE, SECURITY, AND INSURANCE.**

13           *All requirements listed in Sections 103A.4.4-103A.4.6 of this Code shall also apply to Vacant or*  
14 *Abandoned Commercial Storefronts. All such requirements shall be fulfilled by the owner within 30*  
15 *days of the Commercial Storefront becoming Vacant or Abandoned, or within 30 days of the issuance*  
16 *of notice to register, regardless of the owner's intentions to rent the Commercial Storefront before the*  
17 *registration payment deadline lapses.*

18           **SEC. 103A.5.6. VIOLATION A PUBLIC NUISANCE; ENFORCEMENT.**

19           *A Commercial Storefront in violation of this Section 103A.5, including Sections 103A.5.1-*  
20 *103A.5.6, is deemed to be a public nuisance and subject to enforcement by the Department and*  
21 *penalties under Sections 102A and 103A of this Code or other applicable sections of the Municipal*  
22 *Code.*

23           Section 6. Uncodified Provisions.

24           (a)     Effective Date. This ordinance shall become effective 30 days after enactment.

25           Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance

1 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
2 Supervisors overrides the Mayor's veto of the ordinance.

3 (b) Undertaking for the General Welfare. In enacting and implementing this  
4 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
5 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
6 would be liable in money damages to any person who claims that such breach proximately  
7 caused injury.

8 (c) No Conflict with State or Federal Law. Nothing in this ordinance shall be  
9 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
10 State or federal law.

11 (d) Severability. If any of section, subsection, sentence, clause, phrase or word of  
12 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any  
13 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
14 portions of the ordinance. The Board of Supervisors hereby declares that it would have  
15 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and  
16 word not declared invalid or unconstitutional without regard to whether any other portion of  
17 this ordinance would be subsequently declared invalid or unconstitutional.

18 (e) Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
21  
22  
23  
24  
25

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
NICHOLAS COLLA  
Deputy City Attorney

n:\legales\as2014\1400434\00914102.doc





## LEGISLATIVE DIGEST

[Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Food and Health Programs]

**Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and City grants for active recreation and improving food access, health, and nutrition, and to fund San Francisco Unified School District physical education, after-school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.**

### Existing Law

The City currently does not regulate or tax the distribution of nonalcoholic sugar-sweetened beverages, except that businesses distributing such beverages are subject to the City's general business registration and business tax laws.

### Amendments to Current Law

This ordinance, which would be submitted to the voters for approval by a two-thirds majority, would create a new "Sugar-Sweetened Beverage Tax," codified in new Article 8, Sections 550-565, of the Business and Tax Regulations Code. The tax would be imposed on the initial distribution in the City of sugar-sweetened beverages, or concentrate (powder, syrup) that can be made into sugar-sweetened beverages. The distributor of the sugar-sweetened beverage would be liable for the tax. This would be a special tax, with the proceeds of the tax used only to fund specified recreation, health, and nutrition programs.

**Rate of Tax.** The tax would be at a rate of two cents per ounce of sugar-sweetened beverage distributed. The tax would also apply to sales of concentrate, at the rate of two cents per ounce of sugar-sweetened beverage that could be made by mixing the concentrate with liquid to produce a sugar-sweetened beverage.

**What is Taxed.** A sugar-sweetened beverage is any nonalcoholic beverage sold for human consumption that has added caloric sweeteners, as defined, and contains more than 25 calories per 12 ounces. A caloric sweetener is any caloric substance suitable for human consumption that humans perceive as sweet and includes, but is not limited to, sucrose, fructose, including high fructose corn sweetener, glucose, and other sugars. A caloric substance is a substance that adds calories to the diet of a person who consumes that substance.

Sugar-sweetened beverages include, but are not limited to, the following:

- Sodas, colas, and other soft drinks
- Sports drinks
- Energy drinks
- Iced tea
- Juice drinks (unless the beverage contains 100 percent natural fruit and/or vegetable juice)

However, a sugar-sweetened beverage does not include:

- Liquids sold for weight reduction or infant rehydration, medical foods, or infant formula.
- Milk from animal or plant sources, or flavored milk containing no more than 40 grams of total sugar per 12 ounces (naturally-occurring and from added caloric sweetener).
- Beverages that contain only 100 percent natural fruit juice, vegetable juice, or combined fruit and vegetable juice.
- Diet sodas, sports drinks, energy drinks, bottled water, flavored water, or any other drink that does not exceed 25 calories per 12 ounces, even if the beverage has added caloric sweeteners.

Who is Liable for the Tax. A "retailer" under the tax is a person who sells a sugar-sweetened beverage to a "consumer," or customer. A "distributor" is a person who either:

- Sells a sugar-sweetened beverage or concentrate; or
- Purchases a sugar-sweetened beverage or concentrate for resale without paying the tax, then uses or consumes it.

All retailers and distributors would be required to register with the Tax Collector and prepare and keep appropriate records. The person who makes the initial sale or use of an untaxed beverage or concentrate in the City would be liable for the tax. Failure to pay the tax or comply with tax administration requirements would subject the person to the penalties and interest provided under Article 6, Common Administrative Provisions, of the Business and Tax Regulations Code.

Funding of Access to Healthy Food and Recreation Programs. The proceeds of the tax would be distributed to the following City agencies and the San Francisco Unified School District as follows:

- 40 percent to the San Francisco Unified School District for nutrition education, healthy food access, and expansion and improvement of physical education.

- 25 percent to the Department of Public Health and Public Utilities Commission for healthy food access initiatives, drinking fountains and water bottle filling stations, oral health services, chronic disease prevention, and public education campaigns.
- 25 percent to the Recreation and Park Department for recreation centers, organized sports, athletic programming, and grants to community-based organizations.
- 10 percent for grants to community-based organizations that support physical activity, food access, public outreach, and health programs.

The funds could only be used for new or expanded programs, and could not be used to replace funding for existing programs. The ordinance would not allow the Mayor and the Board of Supervisors to expend monies from the fund unless existing programs had already been funded from other sources, as certified by the Controller. Monies that are not expended would be held in the fund until the funding conditions are met.

A thirteen-member Healthy Nutrition and Physical Activity Access Fund Committee ("the Committee") would advise the Mayor, the Board of Supervisors, and City departments in directing the use of funds. Four Committee members would be appointed by the Board, six would be appointed by specified City Departments and other City entities, and three would be appointed by the School District and the San Francisco Unified School District Parent Advisory Council. Members would serve up to three consecutive two-year terms. The Committee would meet at least six times per year.

The membership of the Committee would include the following:

- Two members residing in neighborhoods disproportionately impacted by diseases related to the consumption of Sugar-Sweetened Beverages.
- Two representatives of local medical institutions focused on chronic diseases linked to the consumption of Sugar-Sweetened Beverages.
- Employees of the Department of Public Health, Recreation and Park Department, Department of Children, Youth, and Their Families, and the San Francisco Unified School District.
- Members appointed by the Food Security Task Force, San Francisco Youth Commission, and San Francisco Unified School District Parent Advisory Council.

#### Background Information

Human consumption of Sugar-Sweetened Beverages (SSBs) is linked to a myriad of serious health problems including, but not limited to: weight gain, obesity, coronary heart disease, diabetes, cavities, tooth decay, and other health problems. Calorically sweetened soda, and fruit drinks containing less than 100 percent juice by volume, are major sources of added

sugars in American diets, contributing an average of 10.58 teaspoons of added sugars each day.

Among adults, consumption of SSBs is associated with a risk of weight gain and obesity, cardiovascular risk, a significantly higher risk of stroke, high blood pressure, type 2 diabetes, dental erosion, and the risk of pancreatic cancer. In 2011-2012, 41.8 percent of adults in San Francisco were either obese or overweight.

Plain water and—unless advised otherwise by a pediatrician—low-fat (1 percent) or nonfat milk are the most appropriate beverages for healthy children older than the age of two. Yet, 17.2 percent of San Francisco children and adolescents consume two or more glasses of soda or sugary drink per day. Within this, there are significant variations by ethnicity, with 24.2 percent of Asian and 33.9 percent Latino, and only 4.4 percent of white children, consuming two or more glasses of soda or sugary drink per day. Children consumed 11.96 teaspoons of added sugars from sodas and fruit drinks per day – 47 percent of their total intake of added sugars. A single 12-ounce can of soda contains eight to ten teaspoons of sugar, and typical container sizes of popular sugary drinks marketed to children far exceed recommended amounts.

Low-income families are more likely to be affected by obesity and diabetes. For example, the Bayview-Hunters Point neighborhood had more per capita emergency room visits due to diabetes between 2009 and 2011 than any other neighborhood in San Francisco. Eighteen percent of three- to four-year-olds enrolled in San Francisco Head Start were obese, with an additional 13 percent being overweight. Head Start serves children of low-income families.

The purpose of taxing SSBs is to make San Francisco healthier. Research shows that lifestyle interventions are more cost-effective than medications in preventing or delaying type 2 diabetes. Assessing a tax on SSBs is intended to help address the high levels of obesity, type 2 diabetes, and other diseases by reducing consumption and providing a revenue stream for City-directed and grant-funded physical activity and nutrition programs in schools, parks, community centers, and through community-based organizations.

n:\legañas\2014\1400365\00901172.doc

[Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Food and Health Programs]

Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and City grants for active recreation and improving food access, health, and nutrition, and to fund San Francisco Unified School District physical education, after-school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on November 4, 2014:

Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and City grants for active recreation and improving food access, health, and nutrition, and to fund San Francisco Unified School District physical education, after school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

1 Be it ordained by the People of the City and County of San Francisco:

2  
3 Section 1. Pursuant to Article XIII C of the Constitution of the State of California, this  
4 ordinance shall be submitted to the qualified electors of the City and County of San Francisco,  
5 at the November 4, 2014 consolidated general election.  
6

7 Section 2. The Business and Tax Regulations Code is hereby amended by adding  
8 Article 8, to read as follows:  
9

10 **ARTICLE 8:**

11 **THE SUGAR-SWEETENED BEVERAGE TAX ORDINANCE**

12  
13 **SEC. 550. SHORT TITLE.**

14 *This Article shall be known as the "Sugar-Sweetened Beverage Tax Ordinance."*  
15

16 **SEC. 551. FINDINGS AND PURPOSE.**

17 *Human consumption of Sugar-Sweetened Beverages (SSBs) is linked to a myriad of serious*  
18 *health problems including, but not limited to: weight gain, obesity, coronary heart disease, diabetes,*  
19 *cavities, tooth decay, and other health problems.*

20 *Calorically sweetened soda, and fruit drinks containing less than 100 percent juice by volume,*  
21 *are major sources of added sugars in American diets, contributing an average of 10.58 teaspoons of*  
22 *added sugars each day. The American Heart Association recommends children consume no more than 22*  
23 *three teaspoons of added sugars (not including naturally occurring sugars in whole foods such as fruit*  
24 *and plain Milk) per day, which is about 50 calories. However, most Americans consume more than 22*  
25 *teaspoons or 355 calories of sugar per day.*



1 Obese children suffer more often from sleep apnea, asthma, joint problems, fatty liver disease,  
2 gallstones, and acid reflux (heartburn). Obese children are more likely to become obese adults, further  
3 increasing their risks for higher rates of type 2 diabetes, heart disease, and some cancers later in life.  
4 Profound mental health and quality of life impacts are seen in children with severe obesity. As of 2010,  
5 nearly one-third (31.7 percent) of children and adolescents in San Francisco were either obese or  
6 overweight. Among adults, consumption of SSBs is associated with a risk of weight gain and obesity,  
7 cardiovascular risk, a significantly higher risk of stroke, high blood pressure, type 2 diabetes, dental  
8 erosion, and the risk of pancreatic cancer. In 2011-2012, 41.8 percent of adults in San Francisco were  
9 either obese or overweight.

10 Low-income families are more likely to be affected by obesity and diabetes. For example, the  
11 Bayview-Hunters Point neighborhood had more per capita emergency room visits due to diabetes  
12 between 2009 and 2011 than any other neighborhood in San Francisco. 18 percent of three- to four-  
13 year-olds enrolled in San Francisco Head Start were obese, with an additional 13 percent being  
14 overweight. Head Start serves children of low-income families.

15 According to the American Dental Association, a steady diet of sugary foods and drinks,  
16 including juice and sports drinks, can damage teeth. Cavity-causing bacteria in the mouth feed on  
17 sugar and produce acids that attack tooth enamel for up to 20 minutes after eating or drinking. Sipping  
18 sugary beverages or eating sugary foods all day results in repeated acid attacks that weaken tooth  
19 enamel and lead to cavities. In extreme cases, softer enamel combined with improper brushing,  
20 grinding of the teeth, or other conditions can lead to tooth loss.

21 The annual cost of being overweight and obese to California families, employers, the health  
22 care industry, and the government is estimated to be \$21 billion. The total national cost of diabetes in  
23 2007 was \$174 billion. Research shows that lifestyle interventions are more cost-effective than  
24 medications in preventing or delaying type 2 diabetes. Calorically sweetened beverages have been  
25 targeted as part of a tax policy to reduce caloric intake, improve diet and health, and generate revenue



1 that governments can use to address obesity-related health and economic burdens. The San Francisco  
2 Budget and Legislative Analyst estimates costs up to \$61.8 million incurred by San Franciscans with  
3 obesity and diabetes that are attributable to sugary beverage consumption.

4 The Institute of Medicine and other beverage tax advocates suggest that the generated tax  
5 revenues could be used to promote healthier eating and reduce or prevent obesity, and in 2009, the  
6 Institute of Medicine recommended that local governments implement a tax strategy for calorie-dense,  
7 nutrient-poor food, and beverages to discourage consumption. Likewise, in 2010, the White House  
8 Task Force on Childhood Obesity recommended that Federal, state, and local governments analyze the  
9 effects of taxes on less healthy, energy-dense foods, such as calorically sweetened beverages.

10 The purpose of taxing SSBs is to make San Francisco healthier. Plain water and—unless  
11 advised otherwise by a pediatrician—low-fat (1 percent) or nonfat Milk are the most appropriate  
12 beverages for healthy children older than the age of two. Yet, 17.2 percent of San Francisco children  
13 and adolescents consume two or more glasses of soda or sugary drink per day. Within this, there are  
14 significant variations by ethnicity, with 24.2 percent of Asian and 33.9 percent Latino, and only 4.4  
15 percent of white children, consuming two or more glasses of soda or sugary drink per day. Children  
16 consumed 11.96 teaspoons of added sugars from sodas and fruit drinks per day – 47 percent of their  
17 total intake of added sugars. A single 12-ounce can of soda contains eight to ten teaspoons of sugar,  
18 and typical container sizes of popular sugary drinks marketed to children far exceed recommended  
19 amounts.

20 Assessing a tax on SSBs is intended to help address the high levels of obesity, type 2 diabetes,  
21 and other diseases by reducing consumption and providing a revenue stream for City-directed and  
22 grant-funded physical activity and nutrition programs in schools, parks, community centers, and  
23 through community-based organizations.

1     **SEC. 552. DEFINITIONS.**

2             *Unless otherwise defined in this Article 8, terms that are defined in Article 6 of the Business and*  
3     *Tax Regulations Code shall have the meanings provided therein.*

4             *"Active Recreation Programs" are programs where participants are able to engage in exercise*  
5     *or physical activity.*

6             *"Base Product" means the same as Powder.*

7             *"Baseline" means the Controller's calculation of the appropriated amount of the City*  
8     *expenditures for Eligible Programs for the fiscal year July 1, 2014 through June 30, 2015, described in*  
9     *Section 560.*

10            *"Beverage Container" means a closed or sealed container regardless of size or shape,*  
11     *including, without limitation, containers made of glass, metal, paper, plastic, or any other material or*  
12     *combination of materials.*

13            *"Beverage Dispensing Machine" means a device that mixes Concentrate with one or more*  
14     *other ingredients and dispenses the resulting mixture into an open container as a ready-to-drink*  
15     *beverage.*

16            *"Bottled Sugar-Sweetened Beverage" means a Sugar-Sweetened Beverage contained in a*  
17     *Beverage Container.*

18            *"Caloric Substance" means a substance that adds calories to the diet of a person who*  
19     *consumes that substance.*

20            *"Caloric Sweetener" means any Caloric Substance suitable for human consumption that*  
21     *humans perceive as sweet and includes, but is not limited to, sucrose, fructose, including high fructose*  
22     *corn sweetener, glucose, and other sugars.*

23            *"City" means the City and County of San Francisco.*

24            *"Committee" means the Healthy Nutrition and Physical Activity Access Fund Committee*  
25     *described in Section 561.*

1 "Concentrate" means a Syrup, Powder, or Base Product that is used for mixing, compounding,  
2 or making Sugar-Sweetened Beverages in a Beverage Dispensing Machine. Notwithstanding the  
3 foregoing sentence, "Concentrate" does not include the following:

4 (a) Any product that is designed to be used primarily to prepare coffee or tea.

5 (b) Any product that is sold and is intended to be used for the purpose of an individual  
6 consumer mixing a Sugar-Sweetened Beverage.

7 (c) Medical Food.

8 "Consumer" means a person who purchases a Bottled Sugar-Sweetened Beverage, Sugar-  
9 Sweetened Beverage, or Concentrate for a purpose other than resale in the ordinary course of business.

10 "Distribution" includes:

11 (a) The Sale of untaxed Bottled Sugar-Sweetened Beverages, Sugar-Sweetened Beverages,  
12 or Concentrate.

13 (b) The receipt of untaxed Bottled Sugar-Sweetened Beverages, Sugar-Sweetened  
14 Beverages, or Concentrate by any person other than a Consumer.

15 (c) The use or consumption of untaxed Bottled Sugar-Sweetened Beverages, Sugar-  
16 Sweetened Beverages, or Concentrate by any person other than a Consumer. For purposes of this  
17 paragraph (c), "use or consumption" includes the exercise of any right or power over Bottled Sugar-  
18 Sweetened Beverages, Sugar-Sweetened Beverages, or Concentrate incident to the ownership thereof,  
19 except that it does not include the Sale of such beverages or Concentrate, or the keeping or retention  
20 thereof for the purpose of Sale.

21 (d) "Distribution" shall not include the return of any Bottled Sugar-Sweetened Beverages,  
22 Sugar-Sweetened Beverages, or Concentrate to the person who sold the Bottled Sugar-Sweetened  
23 Beverages, Sugar-Sweetened Beverages, or Concentrate, if that person refunds the entire amount paid  
24 in cash or credit.

1 "Distributor" means any person who makes a Distribution of Bottled Sugar-Sweetened  
2 Beverages, Sugar-Sweetened Beverages, or Concentrate, whether or not that person is also a Retailer.

3 "Eligible Programs" means City-operated programs and City grants for active recreation  
4 and/or improving food access, health, and nutrition, and San Francisco Unified School District  
5 physical education, after school physical activity, health, or nutrition programs, school lunch, and  
6 other school nutrition programs. Eligible Programs shall include only:

7 (a) Active Recreation Programs and programs that support active recreation, including,  
8 without limitation, in-school and after-school programs;

9 (b) School lunches and other school nutrition programs; and

10 (c) Programs that improve food and nutrition access and health, and support food nutrition.

11 "Fund" is the Active Recreation, Nutrition, and Public Health Fund described in Section 553.

12 "Medical Food" means medical food as defined in Section 109971 of the California Health and  
13 Safety Code, including amendments to that Section.

14 "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural milk  
15 concentrate, whether or not reconstituted, regardless of animal source, plant source, or butterfat  
16 content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source,  
17 plant source, or butterfat content. For purposes of this definition, "Milk" includes flavored milk  
18 containing no more than 40 grams of total sugar (naturally-occurring and from added Caloric  
19 Sweetener) per 12 ounces.

20 "Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the liquid  
21 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from  
22 the complete restoration of water to dehydrated natural fruit juice.

23 "Natural Vegetable Juice" means the original liquid resulting from the pressing of vegetables,  
24 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the  
25 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

1 "Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14  
2 (commencing with Section 32001) of the California Revenue and Taxation Code.

3 "Powder" means a solid or liquid mixture of ingredients with added Caloric Sweetener used in  
4 making, mixing, or compounding Sugar-Sweetened Beverages by mixing the Powder with any one or  
5 more other ingredients, including, without limitation, water, ice, Syrup, Simple Syrup, fruits,  
6 vegetables, fruit juice, vegetable juice, or carbonation or other gas.

7 "Retail Sale" means the sale of Sugar-Sweetened Beverages to a Consumer.

8 "Retailer" means any person who sells Sugar-Sweetened Beverages to a Consumer, whether or  
9 not that person is also a Distributor.

10 "Sale" means the transfer of title or possession for consideration in any manner or by any  
11 means.

12 "Simple Syrup" means a mixture of sugar and water.

13 "Sugar-Sweetened Beverage" means any Nonalcoholic Beverage sold for human consumption  
14 that has one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of  
15 beverage. Notwithstanding the foregoing sentence, "Sugar-Sweetened Beverage" does not include any  
16 of the following:

17 (a) Any product sold in liquid form for consumption by infants, which is commonly referred  
18 to as "infant formula," or any product whose purpose is infant rehydration.

19 (b) Any product sold in liquid form designed for use for weight reduction.

20 (c) Milk.

21 (d) Medical Food.

22 (e) Any beverage comprised solely of 100 percent Natural Fruit Juice, Natural Vegetable  
23 Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

24 "Sugar-Sweetened Beverage Tax" is the Tax imposed under Section 553.  
25

1 "Syrup" means the liquid mixture of ingredients used in making, mixing, or compounding  
2 Sugar-Sweetened Beverages using one or more ingredients, including, without limitation, water, ice, a  
3 Base Product, Powder, Simple Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or  
4 other gas.

5 "Tax" is the Sugar-Sweetened Beverage Tax.

6  
7 **SEC. 553. IMPOSITION OF TAX; DEPOSIT OF PROCEEDS.**

8 (a) For the privilege of making the initial Distribution in the City of Bottled Sugar-  
9 Sweetened Beverages, Sugar-Sweetened Beverages, or Concentrate, the City imposes on every  
10 Distributor an annual Sugar-Sweetened Beverage Tax. The City intends to levy the Tax on the initial  
11 Distribution in the City, and in cases where the initial Distribution in the City is not subject to the Tax  
12 or the Tax is not paid, the next Distribution in the City shall be treated as the initial Distribution in the  
13 City, until the Tax has been paid. The Tax Collector is authorized to adopt such rules, regulations, and  
14 interpretations to ensure that the City's collection of the Tax is consistent with this policy. However, the  
15 absence of a rule, regulation, or interpretation by the Tax Collector is not a ground for nonpayment of  
16 the Tax.

17 (b) The Tax shall be calculated as follows:

18 (1) Two cents (\$0.02) per fluid ounce of Bottled Sugar-Sweetened Beverage or  
19 Sugar-Sweetened Beverage distributed in the City; or

20 (2) Two cents (\$0.02) per fluid ounce of Sugar-Sweetened Beverages that could be  
21 produced from Concentrate distributed in the City. For purposes of calculating the Tax for  
22 Concentrate, the Tax shall be calculated using the largest volume of Sugar-Sweetened Beverage that  
23 could result from the use of the Concentrate according to any manufacturer's instructions.

1           (c) All monies collected pursuant to the Tax shall be deposited to the credit of the Active  
2 Recreation, Nutrition, and Public Health Fund. The Fund shall be maintained separate and apart from  
3 all other City funds and shall be appropriated by annual or supplemental appropriation.

4  
5 **SEC. 554. REGISTRATION OF DISTRIBUTORS AND RETAILERS; DOCUMENTATION.**

6           (a) Each Distributor and Retailer shall register with the Tax Collector.

7           (b) Each Distributor and Retailer shall keep and preserve all such records as the Tax  
8 Collector may require for the purpose of ascertaining and determining compliance under this Article 8.

9  
10 **SEC. 555. CREDITS AND REFUNDS.**

11           (a) The Tax Collector shall refund or credit to a Distributor the Tax that is paid on the  
12 Distribution of a Bottled Sugar-Sweetened Beverage, Sugar-Sweetened Beverage, or Concentrate that  
13 is shipped to a point outside the City for Distribution outside the City, or on which the Tax has already  
14 been paid by another person, or which has been returned to the person who sold it and the entire  
15 purchase price has been refunded in cash or credit.

16           (b) To the extent that any taxpayer has paid a substantially similar tax on the Distribution in  
17 the City of a Bottled Sugar-Sweetened Beverage, Sugar-Sweetened Beverage, or Concentrate to any  
18 other taxing jurisdiction, the tax paid to such taxing jurisdiction shall be credited against the tax due  
19 under this Article, but in no event shall such credit reduce the taxpayer's liability to less than zero.

20  
21 **SEC. 556. TECHNICAL ASSISTANCE TO THE TAX COLLECTOR.**

22           (a) The Department of Public Health shall provide to the Tax Collector technical assistance  
23 to identify Bottled Sugar-Sweetened Beverages, Sugar-Sweetened Beverages, or Concentrate subject to  
24 the Tax.



(b) All City Departments shall provide to the Tax Collector technical assistance to identify Distributors and Retailers of Bottled Sugar-Sweetened Beverages, Sugar-Sweetened Beverages, or Concentrate.

**SECTIONS 557-559.**

[Reserved]

**SEC. 560. EXPENDITURE OF PROCEEDS.**

(a) Monies in the Fund shall be used exclusively for the purposes specified in this Article 8. No monies from the Fund shall be appropriated or expended for any funding requirement imposed by The Arts, Music, Sports, and Pre-School for Every Child Amendment of 2003 (Charter Sec. 16.123-1 et seq.). Subject to the budgetary and fiscal provisions of the City Charter, monies in the Fund shall be appropriated on an annual basis to the following departments and used solely for the following purposes:

(1) Administrative Costs. Up to two percent of the proceeds of the Tax, in any proportion, to the Tax Collector and other City Departments for administration of the Tax, and to the City Administrator for administration of the Oversight Committee established pursuant to Section 561, and for the Committee's evaluation of programs funded by the Tax, and development of strategic and expenditure plans.

(2) Refunds of any overpayments of the Tax imposed under this Article 8.

(3) Funding of Eligible Programs that are "New Programs," as defined in this Section 560, that are consistent with the findings, purpose, and goals stated in this Article 8, in the following proportions:

(A) 40 percent to the San Francisco Unified School District for (i) student nutrition services; school-based gardens, nutrition classes, and cooking classes for students and



1 parents; teacher training and curricular support in nutrition education; and after-school programs,  
2 including but not limited to nutrition education, healthy snacks, school-based gardening, and cooking  
3 classes; and (ii) expansion and improvement of physical education, which may include teachers,  
4 education specialists, athletic equipment, training, and programming, provided that programs under  
5 both subsections (i) and (ii) are each appropriated no less than one-quarter of this 40 percent; and

6 (B) 25 percent, in any proportion, to the Department of Public Health and  
7 the Public Utilities Commission for healthy food access initiatives, drinking fountains and water bottle  
8 filling stations, oral health services, chronic disease prevention, and public education campaigns; and

9 (C) 25 percent to the Recreation and Park Department for recreation centers,  
10 organized sports, and athletic programming, provided that up to two-fifths of this 25 percent may be  
11 allocated by the Recreation and Park Department to community-based organizations for Active  
12 Recreation Programs, with a priority on programs serving low-income and underserved communities;  
13 and

14 (D) 10 percent to be allocated through the Department of Public Health to  
15 fund grants for community-based organizations that support physical activity, food access, public  
16 outreach, and health programs.

17 Should any of the above governmental entities cease to exist, or if Eligible Programs are  
18 transferred from any of these entities to another department or agency, then the Mayor and the Board  
19 of Supervisors are authorized to expend the proceeds of this Tax to any department or agency that is a  
20 successor to that entity and that operates Eligible Programs, or to a department or agency to which  
21 those Eligible Programs are transferred, for expenditures that would otherwise be authorized under  
22 this Article 8.

23 (b) Any balance remaining in the Fund at the close of any fiscal year shall be deemed to  
24 have been provided for a specified purpose within the meaning of Section 9.113(a) of the Charter and

1 shall be carried forward and accumulated in the Fund for the purposes and goals recited in this  
2 Article 8.

3 (c) Goals. The goals of expenditures from the Fund shall be to:

4 (1) Promote active recreation, health, nutrition, and food access programs among  
5 all San Francisco residents;

6 (2) Improve physical activity, health, and nutrition programs in the San Francisco  
7 Unified School District; and

8 (3) Give special consideration for expenditures from the Fund to communities that  
9 are disproportionately affected by diseases related to Sugar-Sweetened Beverage consumption,  
10 including obesity, diabetes, and coronary disease, as measured by the most recent data available to the  
11 Department of Public Health.

12 (d) New Programs. The intent of this Section 560 is to provide dedicated revenues to  
13 increase Eligible Programs. Therefore, except as otherwise specified in this Article 8, revenues in the  
14 Fund may only be appropriated to the extent that the Controller certifies that appropriations contained  
15 in the adopted budget from other funding sources exceed those in a given year, as measured and  
16 adjusted by the Controller pursuant to Section 560, subsection (e).

17 Notwithstanding the preceding paragraph, Eligible Programs shall not include:

18 (1) Any program for which a fixed or minimum level of expenditure is mandated by  
19 state or federal law, to the extent of the fixed or minimum level of expenditure;

20 (2) Acquisition of any capital item not for primary and direct use of participants in  
21 an Eligible Program;

22 (3) Acquisition (other than by lease for a term of ten years or less) of any real  
23 property; or

1                   (4) Maintenance, utilities, or any similar operating costs of any facility not used  
2 primarily and directly by participants in Eligible Programs, or a library, hospital, or any recreation or  
3 park facility that is a zoo.

4                   (e) Baseline. No Funds shall be expended in any fiscal year following a fiscal year in which  
5 the amounts appropriated for Eligible Programs (not including appropriations from the Fund and  
6 exclusive of expenditures mandated by state or federal law) is below the amount appropriated in the  
7 Baseline, as adjusted in the manner provided in the following sentences (the "Base Amount"). All  
8 funds unexpended in accordance with the preceding sentence shall be held in the Fund and may be  
9 expended in any future fiscal year in which other expenditures from the Fund may be made. The Base  
10 Amount shall be adjusted for each fiscal year after the base year by the Controller based on  
11 calculations consistent from fiscal year to fiscal year by the percentage increase or decrease in  
12 aggregate City discretionary revenues. In determining aggregate City discretionary revenues, the  
13 Controller shall only include revenues received by the City that are unrestricted and may be used at the  
14 option of the Mayor and the Board of Supervisors for any lawful City purpose. The method used by the  
15 Controller to determine discretionary revenues shall be consistent with the method used by the  
16 Controller to determine the Library and Children's Fund Baseline calculations, as provided in  
17 Charter Section 16.108(g). The change in aggregate discretionary revenues will be adjusted at year  
18 end when final revenues are known. Within 90 days following the end of each fiscal year, the  
19 Controller shall calculate and publish the actual amount of City expenditures for programs that would  
20 have been eligible to be paid from the Fund but are paid from other sources, separately identifying  
21 expenditures mandated by state or federal law.

#### 22 23 **SEC. 561. OVERSIGHT COMMITTEE.**

24                   (a) There is hereby established a Healthy Nutrition and Physical Activity Access Fund  
25 Committee that shall consist of thirteen members. Members shall have two-year terms but shall serve

1 at the pleasure of their respective appointing authorities. No member shall serve more than three  
2 consecutive two-year terms. The initial two-year term for each of the initial members shall commence  
3 as of the date that nine members have been appointed, which is when the Committee may begin its  
4 work. Notwithstanding the previous sentence, a quorum of the Committee shall be eight members.  
5 Absence from three consecutive regular meetings, or four regular meetings during a fiscal year,  
6 constitutes resignation from the Committee.

7 (b) Members of the Committee shall be appointed as follows:

8 (1) Seats One through Four by the Board of Supervisors. Seats One and Two shall  
9 be residents of neighborhoods disproportionately impacted by diseases related to the consumption of  
10 Sugar-Sweetened Beverages, as measured by the most recent data available to the Department of  
11 Public Health. Seats Three and Four shall be representatives of different local medical institutions that  
12 engage in whole or in part in the diagnosis, treatment, or research of, or education about, chronic  
13 diseases linked to the consumption of Sugar-Sweetened Beverages.

14 (2) Seat Five by the Food Security Task Force, who may be a member of the Food  
15 Security Task Force.

16 (3) Seats Six and Seven by the San Francisco Youth Commission, who may be  
17 members of the Youth Commission. Appointees to Seats Six and Seven must be 18 years of age or  
18 younger at the commencement of the initial term, and at the commencement of any succeeding term.

19 (4) Seats Eight and Nine by the San Francisco Unified School District. Seat Eight  
20 shall be a School District employee working in the area of Nutrition Services; Seat Nine shall be a  
21 School District employee working in the area of physical education.

22 (5) Seat Ten by the Department of Public Health, who shall be a professional  
23 employee in that Department.

24 (6) Seat Eleven by the Department of Children, Youth, and their Families, who shall  
25 be a professional employee in that Department.

1 (7) Seat Twelve by the Recreation and Park Department, who shall be a professional  
2 employee in that Department.

3 (8) Seat Thirteen by the San Francisco Unified School District's Parent Advisory  
4 Council.

5 (c) Members of the Committee shall serve without pay, but may be reimbursed for expenses  
6 actually incurred. The City Administrator shall provide clerical assistance and administrative support  
7 to the Committee, and the Controller shall provide it with technical assistance. All City departments,  
8 boards, and commissions shall reasonably assist and cooperate with the Committee.

9 (d) The Committee shall meet at least six times per fiscal year, except that during the fiscal  
10 year ending June 30, 2015, it shall meet at least three times.

11 (e) The committee shall evaluate the impact of the Tax on beverage prices, consumer  
12 purchasing behavior, and health outcomes. The Committee shall advise and make recommendations to  
13 the Mayor, Board of Supervisors, and City departments receiving monies from the Fund, on the use and  
14 expenditure of monies from the Fund consistent with the findings, purpose, and goals stated in this  
15 Article 8.

16 (f) The Committee shall evaluate existing and past programming to identify existing and  
17 emerging needs and shall adopt a strategic plan by December 1 of each fifth year to inform the use of  
18 the Fund. The initial strategic plan shall be adopted by December 1, 2016.

19 (g) The Committee shall submit to the Board of Supervisors, no later than March 1 of each  
20 fiscal year, an annual expenditure plan for the Fund based on the strategic plan adopted pursuant to  
21 this Section. The initial annual expenditure plan shall be submitted no later than March 1, 2017.

22  
23 **SEC. 562. ADMINISTRATION OF THE TAX; CONTROLLER'S REPORT.**

24 (a) Except as otherwise provided under this Article 8, the Sugar-Sweetened Beverage Tax  
25 shall be administered pursuant to Article 6 of the Business and Tax Regulations Code.

1           (b) The Controller shall file annually with the Board of Supervisors, within 90 days  
2 following the end of each fiscal year, a report containing the following:

3           (1) The amount of funds collected and expended, and the allocation of expenditures  
4 from the Fund, during the prior fiscal year.

5           (2) The status of any Eligible Program required or authorized to be funded under  
6 this Article 8.

7           (3) Such other information as the Controller, in the Controller's sole discretion,  
8 shall deem relevant to the operation of this Article 8.

9  
10 **SEC. 563. AMENDMENT OF ARTICLE.**

11 The Board of Supervisors may amend or repeal this Article 8 without a vote of the people except  
12 as limited by Article XIII C of the California Constitution.

13  
14 **SEC. 564. SEVERABILITY.**

15 If any section, subsection, sentence, clause, phrase, or word of this Article 8 is for any reason  
16 held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not  
17 affect the validity of the remaining portions of the Article. If imposition of the Tax on any person or  
18 activities is held to be invalid or unconstitutional by any court of competent jurisdiction, the Tax shall  
19 continue to be imposed in all other respects. The people of the City and County of San Francisco  
20 hereby declare that they would have enacted this Article and each and every section, subsection,  
21 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether  
22 any other portion of this Article would be subsequently declared invalid or unconstitutional and would  
23 have imposed this Tax in all other respects.

1     SEC. 565. OPERATIVE DATE.

2             This Article 8 shall become operative on January 1, 2016, except that Sections 556 and 561 of  
3     this Article 8 shall become operative on January 1, 2015.

4  
5             Section 3. Effective Date and Operative Date. The effective date of this ordinance  
6     shall be ten days after the date the official vote count is declared by the Board of Supervisors.  
7     As stated in Section 565 of the Business and Tax Regulations Code, this Article 8 shall  
8     become operative on January 1, 2016, except that Sections 556 and 561 of this Article 8 shall  
9     become operative on January 1, 2015.

10  
11     APPROVED AS TO FORM:  
12     DENNIS J. HERRERA, City Attorney

13     By: \_\_\_\_\_  
14         Carole F. Ruwart  
15         Deputy City Attorney

16     n:\legan\as2014\1400365\00901393.doc  
17  
18  
19  
20  
21  
22  
23  
24  
25





SMALL BUSINESS COMMISSION  
LEGISLATION AND POLICY COMMITTEE  
NOTICE OF MEETING & AGENDA



Monday, June 23, 2014

3:30 P.M.

CITY HALL, ROOM 421

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Meeting will begin following the Small Business Commission meeting at 2:00 PM in Room 400

**COMMISSIONERS:**

Commissioner Stephen Adams, Chair  
Commissioners Irene Yee Riley, Monetta White

GOVERNMENT  
DOCUMENTS DEPT

JUN 20 2014

SAN FRANCISCO  
PUBLIC LIBRARY

1. **Call to order and roll call.**
2. **General Public Comment.** (Discussion Item)
3. **Approval of minutes from the meeting of January 13, 2014.** (Action Item)  
Explanatory Documents: Draft minutes from January 13, 2014
4. **Approval of minutes from the meeting of January 27, 2014.** (Action Item)  
Explanatory Documents: Draft minutes from January 27, 2014
5. **Discussion and possible action to make recommendations to the Small Business Commission on Board of Supervisors File No. 140643 [Administrative Code – Energy Efficiency Coordinating Committee]:** Ordinance amending the Administrative Code to rename the Energy Efficiency Steering Committee as the Energy Efficiency Coordinating Committee; to reauthorize the Committee for one year unless further extended by the Board of Supervisors; to change the qualifications for membership on the Committee; and to revise the Committee's powers and duties. (Discussion and Possible Action Item)  
Explanatory Documents: BOS File No. 140643 Legislative Digest; BOS File No. 140643  
Presentation by Peter Lauterborn, Legislative Aide to Supervisor Eric Mar
6. **Discussion on Board of Supervisors File No. 131064 [Planning Code - Definition of Bona Fide Eating Place]:** Ordinance amending the Planning Code to expand the definition of "bona fide eating place" to include a definition based on food sales per occupant and exempting certain bona fide eating places from the definition of "bar"; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Discussion Item)  
Explanatory Documents: BOS File No. 131064 Legislative Digest; BOS File No. 131064  
No presenter scheduled.
7. **Discussion on Board of Supervisors File No. 140687 [Initiative Ordinance – Administrative Code – Minimum Wage]:** Motion ordering submitted to the voters an ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of

SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110  
SAN FRANCISCO, CA 94102  
415.554.6134 (PHONE)  
415.558.7844 (FAX)

SMALL BUSINESS COMMISSIONERS:

STEPHEN ADAMS  
KATHLEEN DOOLEY  
MARK DWIGHT  
WILLIAM ORTIZ-CARTAGENA  
IRENE YEE RILEY  
PAUL TOUR-SARKISSIAN  
MONETTA WHITE  
REGINA DICK-ENDRIZZI, DIRECTOR



employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the Minimum Wage Ordinance at an election to be held on November 4, 2014. (Discussion Item)

Explanatory Documents: BOS File No. 140687 Legislative Digest; BOS File No. 140687

No presenter scheduled.

8. **Commissioner Reports.** (Discussion Item)

9. **New Business:** Allows committee members to introduce new agenda items for future consideration by the committee. (Discussion Item)

10. **Adjournment.** (Action Item)

Public Comment will be taken before or during the Small Business Commission's consideration of each agenda item. Speakers are requested but not required to complete a speaker card and state their names, which will help ensure proper spelling of speakers' names in the written record of the meeting.

Explanatory Documents: Copies of proposed legislation listed in this agenda, and other related materials received by the SBC after the posting of the agenda, are available for public inspection and/or copying at City Hall Room 110. Please call (415) 554-6134 to make arrangements for pick up or review.

## Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that city operations are open for the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at (415) 554-6083. To obtain a free copy of the Sunshine Ordinance contact:

City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683  
Office: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail:

[sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### Cell Phone and/or Sound-Producing Electronic Device Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### Disability Access Policy

Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving City Hall include 5 Fulton and 49 Mission/Van Ness, and all Metro lines servicing the Metro station at Van Ness and Market. For more information about MUNI accessible services, call (415) 923-6142. Accessible parking in the vicinity of City Hall is available adjacent to Davies Hall and the War Memorial Complex, and also in the Civic Center Garage (355 McAllister Street) and Performing Arts Garage (360 Grove Street). American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting Milton Edelin at (415) 558-6410 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

### Translation Services

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For other accommodations, please call the Department of Human Services staff support representative at (415) 557-5989 at least two business days before a meeting.

### Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [Article II of the San Francisco Campaign and Governmental Conduct Code] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Ave., Suite 220, SF 94102 (415) 252-3100, FAX (415) 252-3112 and web site address at <http://www.sfgov.org/ethics/>.

### Chemical Sensitivity

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical base products. Please help the City accommodate these individuals.



## LEGISLATIVE DIGEST

[Administrative Code - Energy Efficiency Coordinating Committee]

**Ordinance amending the Administrative Code to rename the Energy Efficiency Steering Committee as the Energy Efficiency Coordinating Committee; to reauthorize the Committee for one year unless further extended by the Board of Supervisors; to change the qualifications for membership on the Committee; and to revise the Committee's powers and duties.**

### Existing Law

In 2010, the Board of Supervisors established the Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects, and the spending and allocation of new monies for such purposes. The Board did not appoint any members to the Energy Efficiency Steering Committee, and the Committee terminated by operation of law.

### Amendments to Current Law

The proposed ordinance would reauthorize the Committee and rename it as the Energy Efficiency Coordinating Committee. The Committee would be responsible for advising the Board of Supervisors on policy regarding energy efficiency projects and programs, and the City's spending and allocation of money on such projects and programs. The Committee would also be responsible for advising the Board on implementation of the energy efficiency recommendations outlined in the Mayor's Renewable Energy Task Force's September 2012 report. Within one year of its inaugural meeting, the Committee would submit to the Board of Supervisors a set of recommendations for how the City should spend energy efficiency funds throughout the City and align City programs with other utility and regional programs.

The Committee would have seven voting members appointed by the Board of Supervisors, including:

- two members recommended by environmental justice organizations;
- one member recommended by a community-based organization that works with under-employed, low-wage workers in underserved communities and communities of color;
- one member with experience with building or operating multi-family housing, recommended by a community-based organization;
- one member with a background in labor organizing, recommended by the Office of Economic and Workforce Development;
- one member with a background in research and/or education on green sector industries who is currently employed at an economic development consulting firm

and/or college or university, recommended by the Executive Director of the Office of Community Investment and Infrastructure; and

- one member who has owned, operated or worked for a small business, recommended by the Executive Director of the Office of Small Business.

The Committee would also have non-voting representatives from the Office of the Mayor, the Department of the Environment, the Public Utilities Commission, the Office of the Controller, the Office of Economic and Workforce Development, the Department of Public Health, and the Office of Contract Administration.

The Public Utilities Commission would provide clerical and administrative support for the Committee, and the Department of the Environment would provide technical and policy support.

The Committee would terminate one year after its inaugural meeting, unless the Board of Supervisors adopts legislation extending the Committee.

n:\Vegana\as2014\1400536\00931207.doc

[Administrative Code - Energy Efficiency Coordinating Committee]

**Ordinance amending the Administrative Code to rename the Energy Efficiency Steering Committee as the Energy Efficiency Coordinating Committee; to reauthorize the Committee for one year unless further extended by the Board of Supervisors; to change the qualifications for membership on the Committee; and to revise the Committee's powers and duties.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in single-underline italics Times New Roman font.  
**Deletions to Codes** are in ~~striketrough italics Times New Roman font~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~striketrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Ordinance No. 78-10 established the Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects, and the spending and allocation of new monies for such purposes.

(b) The Board of Supervisors did not appoint any members to the Energy Efficiency Steering Committee, and the Committee terminated by operation of law.

(c) The Board of Supervisors wishes to reauthorize the Committee under a new name and with new composition and duties.

Section 2. Chapter 5, Article IX of the Administrative Code is hereby amended by revising existing Sections 5.90 through 5.94 and 5.96 renumbered as 5.95) and 5.97 (renumbered as 5.96), and deleting existing Section 5.95, to read as follows:

1 ARTICLE IX:

2 ENERGY EFFICIENCY ~~STEERING~~ COORDINATING COMMITTEE

3 Sec. 5.90. Creation of Committee.

4 Sec. 5.91. Purposes and Policies.

5 Sec. 5.92. Membership.

6 Sec. 5.93. Organization and Terms of Office.

7 Sec. 5.94. Powers and Duties.

8 ~~Sec. 5.95. Report.~~

9 Sec. 5.9~~5~~6. Meetings ~~and~~ Procedures.

10 Sec. 5.9~~6~~7. Sunset.

11  
12 SEC. 5.90. CREATION OF COMMITTEE.

13 ~~This ordinance shall establish~~ *The Board of Supervisors hereby establishes* the Energy  
14 Efficiency ~~Steering~~ Coordinating Committee ~~(the "Committee")~~ of the City and County of San  
15 Francisco.

16  
17 SEC. 5.91. PURPOSES AND POLICIES.

18 The purpose of this ~~legislation~~ Article is to create and maintain a high-level discussion  
19 between the community and the City on the following issues: spending and allocating allocation  
20 of energy efficiency funds, compiling a comprehensive list of energy efficiency programs operated by  
21 the utilities or the City, helping drive policies that support the retrofit of the building stock of the City,  
22 and understanding how the City will use "cap-and-trade" funds from the State allocated to  
23 environmental justice and disadvantaged communities for City projects. The ~~Energy Efficiency~~  
24 ~~Steering~~ Committee shall advise the Board of Supervisors on policy regarding energy efficiency  
25 projects and programs, and the spending and allocation of new monies, including revenue received

1 from the State cap-and-trade program for such purposes. Further, the Committee shall advise on  
2 implementing the energy efficiency recommendations outlined in the September 2012 report by the  
3 Mayor's Renewable Energy Task Force, planning and decision-making regarding energy efficiency  
4 projects, and the spending and allocation of new monies for such purposes.

5 The Committee's recommendations shall be shaped by the following policies:

6 1-(a) The City should give priority in connection with energy efficiency spending  
7 to low income communities and communities that are disproportionately impacted by localized  
8 health and economic threats of toxic pollution;

9 2-(b) The City should ~~create or adjust specific programs and~~ maintain and monitor  
10 the effectiveness of policies ~~to~~ that ensure jobs and other economic benefits in energy efficiency  
11 and green sector industries specifically benefit low income San Francisco residents in  
12 targeted environmental justice communities;

13 3-(c) The City should have a model of interdepartmental collaboration and  
14 action and a targeted set of metrics upon which energy efficiency programs will be evaluated;  
15 and

16 4-(d) The City should design and implement energy efficiency policies and  
17 programs to achieve health benefits in targeted environmental justice communities.

#### 18 19 **SEC. 5.92. MEMBERSHIP.**

20 (a) ~~Voting members of the Committee generally shall be drawn from individuals and~~  
21 ~~organizations~~ In making appointments to the Committee, the Board of Supervisors shall endeavor to  
22 ensure that the Committee generally includes members with an understanding of the needs of low  
23 income communities, as well as technical expertise in the areas of economic and workforce  
24 development, environmental health, employer contracting, small business, green jobs, and  
25 energy efficiency.



1 (b) The Committee shall consist of 7 voting members, appointed by the Board of  
2 Supervisors as follows:

3 (1) Seat 1: A person recommended by a community-based organization that  
4 deals primarily with environmental justice;

5 (2) Seat 2: A person recommended by a community-based organization that  
6 deals primarily with environmental justice;

7 (3) Seat 3: A person with experience with vocational education and training issues in  
8 the City's diverse communities related to age, gender, race, and immigration, recommended by a  
9 community-based organization that works with under-employed, low wage workers in  
10 underserved communities and communities of color, ~~and having experience with vocational~~  
11 ~~education and training issues in the City's diverse communities related to age, gender, race, and~~  
12 ~~immigration~~;

13 (4) Seat 4: A person with experience with building or operating multi-family  
14 housing, recommended by a community-based organization ~~that works with under-employed, low~~  
15 ~~wage workers in underserved communities and communities of color, and having experience with~~  
16 ~~vocational education and training issues in the City's diverse communities related to age, gender, race,~~  
17 ~~and immigration~~;

18 (5) Seat 5: A person with a background in labor organizing, recommended by the  
19 Director of the Office of Economic and Workforce Development with input from the Mayor's  
20 Construction Workforce Advisory Committee;

21 (6) Seat 6: A person with a background in research and/or education on green  
22 sector industries who is currently employed at an economic development consulting firm  
23 and/or college or university, recommended by the Executive Director of the Office of Community  
24 Investment and Infrastructure; and;

(7) Seat 7: A person ~~with a background in green jobs in the~~ who has owned, operated or worked for a small business, recommended by the Executive Director of the Office of Small Businesscommunity.

(c) Representatives from the Office of the Mayor, the Department of the Environment, the Public Utilities Commission, the Office of the Controller, the Office of Economic and Workforce Development-Economic and Workforce Development Department, the Department of Public Health, and the Office of Contract Administration shall serve as non-voting members of the Committee. All City departments, commissions, boards, and agencies shall cooperate with the Committee in conducting its business.

#### **SEC. 5.93. ORGANIZATION AND TERMS OF OFFICE.**

(a) The initial term of each voting member of the Committee shall ~~be~~ expire one year after the inaugural meeting of the Committee. Voting members may serve ~~multiple~~ additional one-year terms, if the Board of Supervisors extends the operation of the Committee as provided in Section 5.96.

(b) Voting members of the Committee shall serve at the pleasure of the Board of Supervisors.

(c) ~~In the event~~ If a vacancy occurs during the term of office of any voting member, the Board of Supervisors shall appoint a successor for the unexpired term of the office vacated.

(d) Services of the voting members of the Committee shall be voluntary and members ~~will~~ shall serve without compensation. Any voting member who misses three regular meetings of the Committee within a six-month period without the express approval of the Committee at a meeting within shall be deemed to have resigned from the Committee 30 days after the third unapproved absence.

1 (e) The ~~Committee will be staffed by personnel assigned by the~~ San Francisco Public Utilities  
2 Commission shall provide clerical and administrative support for the Committee, and the Department  
3 of the Environment shall provide technical and policy support for the Committee.

4  
5 **SEC. 5.94. POWERS AND DUTIES.**

6 (a) The Committee ~~may~~ shall hold hearings and submit recommendations to the Board  
7 of Supervisors, the Mayor, and other City officers and departments on the spending and  
8 allocation of energy efficiency funds. In these hearings and recommendations, the Committee shall  
9 compile and evaluate the inventory of existing energy efficiency programs and policies across City  
10 departments and utilities, and shall identify policy and programmatic gaps in those programs and make  
11 recommendations to address them.

12 (b) No later than one year after the inaugural meeting of the Committee ~~date that all seven~~  
13 ~~voting members of the Committee have been appointed~~, the Committee shall submit to the Board of  
14 Supervisors a set of recommendations and policy standards for how the City ~~will~~ should  
15 equitably spend energy efficiency monies throughout the City and align City programs with other  
16 utility and regional programs.

17  
18 **SEC. 5.95. REPORT.**

19 ~~The Committee shall submit quarterly reports to the Board of Supervisors.~~

20  
21 **SEC. 5.95~~6~~. MEETINGS AND PROCEDURES.**

22 ~~The place, date and time of meetings of the Committee shall be prescribed by rule of the~~  
23 ~~Committee; provided, however that the Committee shall hold a regular meeting not less than once~~  
24 ~~every month. All meetings shall, except as provided by general law, be open to the public.~~

1        (a) The Committee shall hold its inaugural meeting not more than 30 days after a quorum of  
2 the Committee, as measured by voting members, has been appointed. There shall be at least ten days'  
3 notice of the inaugural meeting. During the twelve calendar months following the inaugural meeting,  
4 the Committee shall hold a regular meeting not less than once every calendar month. The Committee  
5 may meet more often as determined by the Committee.

6        (b) The Committee shall elect its own officers and may establish rules for its own organization  
7 and procedures.

8  
9        **SEC. 5.967. SUNSET.**

10        Unless the Board of Supervisors by ordinance extends the term of the Committee, this Article  
11 shall expire by operation of law, and the Committee shall terminate, on the last day of the 12<sup>th</sup> calendar  
12 month after the month in which the inaugural meeting of the Committee is held. After that date, the  
13 City Attorney shall cause this Article to be removed from the Administrative Code.

14        The Committee shall terminate by operation of law one year after the date that all seven voting  
15 members have been appointed, unless the Board of Supervisors by resolution extends the term of the  
16 Committee for an additional year.

17  
18        Section 3. Effective Date. This ordinance shall become effective 30 days after  
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
21 of Supervisors overrides the Mayor's veto of the ordinance.

22  
23        Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JON GIVNER  
Deputy City Attorney

n:\Vegan\as2014\1400536\00928565.doc

**LEGISLATIVE DIGEST**

[Planning Code - Definition of Bona Fide Eating Place]

**Ordinance amending the Planning Code to expand the definition of “bona fide eating place” to include a definition based on food sales per occupant and exempting certain bona fide eating places from the definition of “bar”; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

The Planning Code currently contains definitions of both “bone fide eating place at Section 790.142 and “bar” at Section 790.22.

Amendments to Current Law

The proposed legislation would amend the definition of Bona Fide Eating Place to require that such uses obtain significant revenue from the sale of food and non-alcoholic beverages. “Significant revenue” means either at least 51 percent of the restaurant’s gross receipts must be from food and non-alcoholic beverages or the annual gross food and non-alcoholic beverage sales must be at least \$4,200 per occupant based on the premises’ maximum occupant load.

The proposed legislation also exempts Bona Fide Eating Places with an Alcoholic Beverage Control license type 47 from the definition of “bar.”

n:\legana\as2014\1400165\00918933.doc



[Planning Code - Definition of Bona Fide Eating Place]

Ordinance amending the Planning Code to expand the definition of “bona fide eating place” to include a definition based on food sales per occupant and exempting certain bona fide eating places from the definition of “bar”; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in single-underline italics Times New Roman font.  
**Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and this Board adopts this determination as its own. Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.



1 Section 2. The Planning Code is hereby amended by amending Sections 790.22 and  
2 790.142, to read as follows:

3 **SEC. 790.22. BAR.**

4 A retail use ~~which~~ that provides on-site alcoholic beverage sales for drinking on the  
5 premises, including bars serving beer, wine and/or liquor to the customer where no person  
6 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 42,  
7 48, or 61), ~~and~~ drinking establishments serving beer where minors are present (with ABC  
8 license types 42 or 60) in conjunction with other uses such as movie theaters and other  
9 entertainment, or establishments with ABC license type 47 that do not meet the definition of a Bona  
10 Fide Eating Place under Section 790.142. This use must comply with the controls set forth in  
11 Section 703.5.

12 \* \* \* \*

13  
14 **SEC. 790.142. BONA FIDE EATING PLACE.**

15 A place which is regularly and in a bona fide manner used and kept open for the  
16 service of meals to guests for compensation and which has suitable kitchen facilities  
17 connected therewith, containing conveniences for cooking of an assortment of foods which  
18 may be required for ordinary meals.

19 (a) "Meals" shall mean an assortment of foods commonly ordered at various hours  
20 of the day for breakfast, lunch or dinner. Incidental food service, comprised only of appetizers  
21 to accompany drinks is not considered a meal. Incidental, sporadic or infrequent sales of  
22 meals or a mere offering of meals without actual sales is not compliance.

23 (b) "Guests" shall mean persons who, during the hours when meals are regularly  
24 served therein, come to a bona fide public eating place for the purpose of obtaining, and  
25

1 actually order and obtain at such time, in good faith, a meal therein. Nothing in this section,  
2 however, shall be construed to require that any food be sold or purchased with any beverage.

3 (c) Actual and substantial sales of meals are required, during the normal days and  
4 meal hours that a bona fide public eating place is open; provided that "normal days of  
5 operation" shall mean a minimum of five days a week and "normal hours" of operation for  
6 meal service shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00  
7 a.m. to 2:00 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

8 (d) The premises must be equipped and maintained in good faith. This means the  
9 premises must possess working refrigeration and cooking devices, pots, pans, utensils, table  
10 service, condiment dispensers, menus, signs and enough goods to make substantial meals.  
11 The premises must comply with all regulations of the Department of Public Health.

12 (e) The restaurant must secure significant revenue from food and non-alcoholic beverage  
13 sales. Significant revenue from food and non-alcoholic beverage sales shall mean either:

14 (1) A minimum of 51 percent of the restaurant's gross receipts shall be from  
15 food and non-alcoholic beverage sales prepared and sold to guests on the premises. Records of  
16 the restaurant's gross receipts shall be provided to the Department upon request; or

17 (2) Annual gross food and non-alcoholic beverage sales prepared and sold to guests  
18 on the premises of at least \$4,200 per occupant based on the premises' maximum occupant load as  
19 determined and approved by the San Francisco Fire Department and Department of Building  
20 Inspection.

21 (f) A "bona fide eating place" does not include an adult entertainment business as  
22 defined in Planning Code Section 790.36.

23

24 Section 3. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: \_\_\_\_\_  
13 MARLENA G. BYRNE  
Deputy City Attorney

14 n:\legales\as2013\1400165\00882423.doc  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## LEGISLATIVE DIGEST

[Initiative Ordinance - Administrative Code - Minimum Wage]

**Ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the minimum wage ordinance.**

### Existing Law

Chapter 12R of the Administrative Code, titled the Minimum Wage Ordinance ("MWO"), establishes the minimum wage for employees working within the geographic boundaries of the City and County of San Francisco. The minimum wage is raised each year on January 1 by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index. The minimum wage is currently \$10.74 per hour.

### Amendments to Current Law

The initiative ordinance would amend the MWO as follows:

- Increase the minimum wage to \$12.25/hour on May 1, 2015, to \$13/hour on July 1, 2016, to \$14/hour on July 1, 2017, and to \$15/hour on July 1, 2018, with annual increases thereafter starting on July 1, 2019 based on the Consumer Price Index.
- Create two categories of "Government Supported Employees" who would be subject to a minimum wage of \$12.25/hour starting on May 1, 2015, with annual increases thereafter starting on July 1, 2016 based on the Consumer Price Index.
- Add the City and the San Francisco In-Home Supportive Services Public Authority to the definition of "Employer" in the MWO.
- Exempt City employees from recovering monetary penalties in an administrative or civil enforcement action for violation of the MWO.

The initiative would also amend Chapter 70 of the Administrative Code to provide that employees of the In-Home Supportive Services Public Authority shall be paid no less than the minimum compensation rate established in the Minimum Compensation Ordinance (a discrete ordinance applicable to City contractors) and no less than the minimum wage rate established in the Minimum Wage Ordinance.

n:\leganalas2014\1400571\00932844.doc



[Initiative Ordinance - Administrative Code - Minimum Wage]

Motion ordering submitted to the voters an ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the Minimum Wage Ordinance at an election to be held on November 4, 2014.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on November 4, 2014.

Ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the minimum wage ordinance.

NOTE: **Unchanged Code text and uncodified text** are in plain font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

1  
2 Be it ordained by the People of the City and County of San Francisco:

3 Section 1. The Administrative Code is hereby amended by revising Chapter 12R,  
4 Sections 12R.3, 12R.4, 12R.7, 12R.10, 12R.11, and 12R.17, to read as follows:

5 **SEC. 12R.3. DEFINITIONS.**

6 As used in this Chapter, the following capitalized terms shall have the following  
7 meanings:

8 "Agency" shall mean the Living Wage/Living Health Division of the Office of Contract  
9 Administration or such other City department or agency as the City shall by resolution  
10 designate.

11 "City" shall mean the City and County of San Francisco.

12 "Employee" shall mean any person who:

13 (a) In a particular week performs at least two (2) hours of work for an Employer  
14 within the geographic boundaries of the City; and

15 (b) Qualifies as an employee entitled to payment of a minimum wage from any  
16 employer under the California minimum wage law, as provided under Section 1197 of the  
17 California Labor Code and wage orders published by the California Industrial Welfare  
18 Commission, or is a participant in a Welfare-to-Work Program.

19 "Employer" shall mean any person, as defined in Section 18 of the California Labor  
20 Code, including corporate officers or executives, who directly or indirectly or through an agent  
21 any other person, including through the services of a temporary services or staffing agency or  
22 similar entity, employs or exercises control over the wages, hours or working conditions of any  
23 Employee. *"Employer" shall include the City and the San Francisco In-Home Supportive Services*  
24 *Public Authority.*

1 "Government Supported Employee" shall mean any Employee who is: (1) under the age of 18  
2 and is employed as an after-school or summer Employee in a bona fide training or apprenticeship  
3 program in a position that is subsidized by the federal, state, or local government ; or (2) over the age  
4 55 and is employed by a Non-Profit Corporation that provides social welfare services as a core mission  
5 to individuals who are over the age of 55 and is in a position that is subsidized by federal, state, or  
6 local government. The second category shall apply only to Non-Profit Corporations operating as of  
7 January 1, 2015, and apply only as to the number of employees over the age of 55 holding positions in  
8 the Corporation as of January 1, 2015 that are subsidized by federal, state, or local government, plus  
9 25% of that number. Any employees hired by a Non-Profit Corporation after January 1, 2015 that  
10 exceed the numerical threshold in the prior sentence (including the additional 25%) shall not qualify as  
11 "Government Supported Employees." If at any time the number of employees over the age of 55  
12 holding positions in the Corporation that are subsidized by federal, state, or local government falls  
13 below that numerical threshold (including the additional 25%), then those positions shall qualify as  
14 "Government Supported Employee" positions.

15 "Minimum Wage" shall have the meaning set forth in Section 12R.4 of this Chapter.

16 "Small Business" shall mean an Employer for which fewer than ten (10) persons perform work  
17 for compensation during a given week. In determining the number of persons performing work for an  
18 Employer during a given week, all persons performing work for compensation on a full-time, part-time,  
19 or temporary basis shall be counted, including persons made available to work through the services of  
20 a temporary services or staffing agency or similar entity.

21 "Nonprofit Corporation" shall mean a nonprofit corporation, duly organized, validly  
22 existing and in good standing under the laws of the jurisdiction of its incorporation and (if a  
23 foreign corporation) in good standing under the laws of the State of California, which  
24 corporation has established and maintains valid nonprofit status under Section 501(c)(3) of



the United States Internal Revenue Code of 1986, as amended, and all rules and regulations promulgated under such Section.

"Welfare-to-Work Program" shall mean the City's CalWORKS Program, County Adult Assistance Program (CAAP) which includes the Personal Assisted Employment Services (PAES) Program, and General Assistance Program, and any successor programs that are substantially similar to them.

#### **SEC. 12R.4. MINIMUM WAGE.**

(a) Employers shall pay Employees no less than the Minimum Wage for each hour worked within the geographic boundaries of the City.

(1) Except as provided in subsection 12R.4(b), the Minimum Wage paid to Employees shall be as follows:

(A) Beginning on May 1, 2015, the Minimum Wage shall be an hourly rate of \$12.25.

(B) Beginning on July 1, 2016, the Minimum Wage shall be an hourly rate of \$13.00.

(C) Beginning on July 1, 2017, the Minimum Wage shall be an hourly rate of \$14.00.

(D) Beginning on July 1, 2018, the Minimum Wage shall be an hourly rate of \$15.00.

(E) Beginning on July 1, 2019, and each year thereafter, the Minimum Wage shall increase by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area, as determined by the Controller.

(b) Beginning on May 1, 2015, the Minimum Wage paid to Government Supported Employees shall be an hourly rate of \$12.25. Beginning on July 1, 2016, and each year thereafter, the Minimum

1 Wage paid to Government Supported Employees shall increase by an amount corresponding to the  
2 prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers  
3 for the San Francisco-Oakland-San Jose, CA metropolitan statistical area, as determined by the  
4 Controller. the effective date of this Chapter, the Minimum Wage shall be an hourly rate of \$8.50. To  
5 prevent inflation from eroding its value, beginning on January 1, 2005, and each year thereafter, the  
6 Minimum Wage shall increase by an amount corresponding to the prior year's increase, if any, in the  
7 Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-  
8 San Jose, CA metropolitan statistical area.

9 (e) ~~The Minimum Wage for Employers that are Small Businesses or Nonprofit Corporations~~  
10 ~~shall phase in over a two-year period in order to afford such Employers time to adjust. For such~~  
11 ~~Employers, the effective date of this Chapter shall be January 1, 2005. For a transition period~~  
12 ~~beginning January 1, 2005 and ending December 31, 2005, the Minimum Wage for Employees of such~~  
13 ~~Employers shall be an hourly rate of \$7.75. Beginning January 1, 2006, the Minimum Wage for~~  
14 ~~Employees of such Employers shall be the regular Minimum Wage established pursuant to Section~~  
15 ~~4(b)1 of this Chapter.~~

16 \* \* \* \*

## 17 **SEC. 12R.7. IMPLEMENTATION AND ENFORCEMENT.**

18 (a) **Implementation.** The Agency shall be authorized to coordinate implementation  
19 and enforcement of this Chapter and may promulgate appropriate guidelines or rules for such  
20 purposes consistent with this Chapter. Any guidelines or rules promulgated by the Agency  
21 shall have the force and effect of law and may be relied on by Employers, Employees and  
22 other parties to determine their rights and responsibilities under this Chapter. Any guidelines  
23 or rules may establish procedures for ensuring fair, efficient and cost-effective implementation  
24 of this Chapter, including supplementary procedures for helping to inform Employees of their  
25 rights under this Chapter, for monitoring Employer compliance with this Chapter, and for

1 providing administrative hearings to determine whether an Employer or other person has  
2 violated the requirements of this Chapter. The Agency shall make every effort to resolve  
3 complaints in a timely manner and shall have a policy that the Agency shall take no more than  
4 one year to settle, request an administrative hearing under Section 12R.7(b), or initiate a civil  
5 action under Section 12R.7(c). The failure of the Agency to meet these timelines within one  
6 year shall not be grounds for closure or dismissal of the complaint.

7 (b) **Administrative Enforcement.** The Agency is authorized to take appropriate steps  
8 to enforce this Chapter. The Agency may investigate any possible violations of this Chapter by  
9 an Employer or other person. Where the Agency has reason to believe that a violation has  
10 occurred, it may order any appropriate temporary or interim relief to mitigate the violation or  
11 maintain the status quo pending completion of a full investigation or hearing. Where the  
12 Agency, after a hearing that affords a suspected violator due process, determines that a  
13 violation has occurred, it may order any appropriate relief including, but not limited to,  
14 reinstatement, the payment of any back wages unlawfully withheld, and the payment of an  
15 additional sum as an administrative penalty in the amount of \$50 to each Employee or person  
16 whose rights under this Chapter were violated for each day that the violation occurred or  
17 continued. A violation for unlawfully withholding wages shall be deemed to continue from the  
18 date immediately following the date that the wages were due and payable as provided in Part  
19 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date  
20 immediately preceding the date the wages are paid in full. Where prompt compliance is not  
21 forthcoming, the Agency may take any appropriate enforcement action to secure compliance,  
22 including initiating a civil action pursuant to Section ~~7(e)~~ 12R.7(c) of this Chapter and/or, except  
23 where prohibited by state or federal law, requesting that City agencies or departments revoke  
24 or suspend any registration certificates, permits or licenses held or requested by the Employer  
25 or person until such time as the violation is remedied. In order to compensate the City for the

costs of investigating and remedying the violation, the Agency may also order the violating Employer or person to pay to the City a sum of not more than \$50 for each day and for each Employee or person as to whom the violation occurred or continued. Such funds shall be allocated to the Agency and shall be used to offset the costs of implementing and enforcing this Chapter. The amounts of all sums and payments authorized or required under this Chapter shall be updated annually for inflation, beginning January 1, 2005, using the inflation rate and procedures set forth in Section ~~4(b)~~ 12R.4 of this Chapter. An Employee or other person may report to the Agency in writing any suspected violation of this Chapter. The Agency shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the Employee or person reporting the violation. Provided, however, that with the authorization of such person, the Agency may disclose his or her name and identifying information as necessary to enforce this Chapter or for other appropriate purposes. In order to further encourage reporting by Employees, if the Agency notifies an Employer that the Agency is investigating a complaint, the Agency shall require the Employer to post or otherwise notify its Employees that the Agency is conducting an investigation, using a form provided by the Agency.

(c) **Civil Enforcement.** The Agency, the City Attorney, any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as ~~liquidated damages~~ penalties in the amount of \$50 to each Employee or person whose

1 rights under this Chapter were violated for each day that the violation occurred or continued,  
2 reinstatement in employment and/or injunctive relief, and shall be awarded reasonable  
3 attorneys' fees and costs. Provided, however, that any person or entity enforcing this Chapter  
4 on behalf of the public as provided for under applicable state law shall, upon prevailing, be  
5 entitled only to equitable, injunctive or restitutionary relief, and reasonable attorneys' fees and  
6 costs. Nothing in this Chapter shall be interpreted as restricting, precluding, or otherwise  
7 limiting a separate or concurrent criminal prosecution under the Municipal Code or state law.  
8 Jeopardy shall not attach as a result of any administrative or civil enforcement action taken  
9 pursuant to this Chapter.

10 (d) **Interest.** In any administrative or civil action brought for the nonpayment of wages  
11 under this Section, the Agency or court, as the case may be, shall award interest on all due  
12 and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the  
13 California Civil Code, which shall accrue from the date that the wages were due and payable  
14 as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor  
15 Code, to the date the wages are paid in full.

16 (e) **Posting Notice of Violation.** If an Employer fails to comply with a settlement  
17 agreement with the Agency, a final determination by the Agency after an administrative  
18 hearing officer issues a decision after a hearing under Section 12R.7(b), an administrative  
19 citation issues under Section 12R.19, a decision made in an administrative appeal brought  
20 under Section 12R.21, or judgment issued by the Superior Court, and the Employer has not  
21 filed an appeal from the administrative hearing decision, administrative citation, administrative  
22 appeal decision, or judgment, or the appeal is final, the Agency may require the Employer to  
23 post public notice of the Employer's failure to comply in a form determined by the Agency.  
24  
25

1 (f) City Employees. Where the aggrieved party is an Employee of the City, the Employee shall  
2 be entitled to all rights and remedies available under this Section 12R.7 except the Employee may not  
3 recover the \$50 per diem penalty provided for in subsections (b) and (c) of this Section 12R.7.

4 \* \* \* \*

5 **SEC. 12R.10. APPLICATION OF MINIMUM WAGE TO WELFARE-TO-WORK**  
6 **PROGRAMS.**

7 The Minimum Wage established pursuant to Section 12R.4 4(b) of this Chapter shall  
8 apply to the City's Welfare-to-Work Programs under which persons must perform work in  
9 exchange for receipt of benefits. Participants in Welfare-to-Work Programs shall not, during a  
10 given benefits period, be required to work more than a number of hours equal to the value of  
11 all cash benefits received during that period, divided by the Minimum Wage. Where state or  
12 federal law would preclude the City from reducing the number of work hours required under a  
13 given Welfare-to-Work Program, the City may comply with this Section by increasing the cash  
14 benefits awarded so that their value is no less than the product of the Minimum Wage  
15 multiplied by the number of work hours required.

16 **SEC. 12R.11. ~~EFFECTIVE~~ OPERATIVE DATE.**

17 The changes to this Chapter adopted at the November 4, 2014 municipal election shall have  
18 prospective effect only and shall become operative effective on January 1, 2015, ninety (90) days after  
19 it is adopted. This Chapter is intended to have prospective effect only.

20 \* \* \* \*

21 **SEC. 12R.17. VIOLATIONS.**

22 **(a) Separate and Continuing Violations; Penalties Paid Do Not Cure Violations.**

23 Each and every day that a violation exists constitutes a separate and distinct offense. Each  
24 section violated constitutes a separate violation for any day at issue. If the person or persons  
25 responsible for a violation fail to correct the violation within the time period specified on the

1 citation and required under Section 12R.18, the Director of the Office of Labor Standards  
2 Enforcement may issue subsequent administrative citations for the uncorrected violation(s)  
3 without issuing a new notice as otherwise required by Section 12R.18(b)(4). Payment of the  
4 penalty shall not excuse the failure to correct the violation nor shall it bar any further  
5 enforcement action by the City. If penalties and costs are the subject of administrative appeal  
6 or judicial review, then the accrual of such penalties and costs shall be stayed until the  
7 determination of such appeal or review is final.

8 (b) **Payments to City; Due Date; Late Payment Penalty.** All penalties assessed  
9 under Section 12R.16 shall be payable to the City and County of San Francisco.  
10 Administrative penalties and costs assessed by means of an administrative citation shall be  
11 due within thirty (30) days from the date of the citation. The failure of any person to pay an  
12 administrative penalty and costs within that time shall result in the assessment of an additional  
13 late fee. The amount of the late fee shall be ten (10) percent of the total amount of the  
14 administrative penalty assessed for each month the penalty and any already accrued late  
15 payment penalty remains unpaid.

16 (c) **Collection of Penalties; Special Assessments.** The failure of any person to pay  
17 a penalty assessed by administrative citation under Section 12R.16 within the time specified  
18 on the citation constitutes a debt to the City. The City may file a civil action, create and impose  
19 liens as set forth below, or pursue any other legal remedy to collect such money.

20 (d) **Liens.** The City may create and impose liens against any property owned or  
21 operated by a person who fails to pay a penalty assessed by administrative citation. The  
22 procedures provided for in ~~Chapter XX of Chapter 10~~ Chapter 10, Article XX of the ~~San Francisco~~  
23 Administrative Code shall govern the imposition and collection of such liens.

24 (e) **Payment to City.** The Labor Standards Enforcement Officer has the authority to  
25 require that payment of back wages found to be due and owing to employees be paid directly



1 to the City and County of San Francisco for disbursement to the employees. The Controller  
2 shall hold the back wages in escrow for workers whom the Labor Standards Enforcement  
3 Officer, despite his/her best efforts, including any required public notice, cannot locate; funds  
4 so held for three years or more shall be dedicated to the enforcement of the Minimum Wage  
5 Ordinance or other laws enforced by the Office of Labor Standards Enforcement.

6 \* \* \* \*

7 Section 2. The Administrative Code is hereby amended by revising Chapter 70, to  
8 read as follows:

9 **CHAPTER 70: IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY**

10 \* \* \* \*

11 **SEC. 70.11. MINIMUM COMPENSATION.**

12 ~~(a)~~ All Employees of the In-Home Supportive Services Public Authority, including,  
13 without limitation, IHSS personnel referred to consumers, or referred by consumers for  
14 inclusion in the Authority, shall be deemed to be "Covered Employees" and shall be paid no  
15 less than the "Minimum Compensation," as ~~such terms are~~ that term is defined in Chapter 12P.2  
16 of the ~~San Francisco~~ Administrative Code, and shall be deemed "Employees" and paid no less than  
17 the "Minimum Wage," as that term is defined in Chapter 12.R of the Administrative Code. This  
18 Section shall be implemented in a manner that does not conflict with applicable federal or  
19 State laws.

20  
21 Section 3. Scope of Ordinance. In enacting this ordinance, the People of the City and  
22 County of San Francisco intend to amend only those words, phrases, paragraphs,  
23 subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other  
24 constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions  
25



1 or deletions, in accordance with the "Note" that appears under the official title of the  
2 ordinance.

3  
4 Section 4. Conflict with Other Measures. This Initiative will be deemed to conflict with  
5 any other measure appearing on the same ballot establishing minimum wage rates. In the  
6 event that this Initiative and any other such measure(s) are approved by the voters at the  
7 same election, and this initiative receives a greater number of affirmative votes than any other  
8 such measure or measures, this initiative shall control in its entirety and the other measure or  
9 measures shall be rendered void and without any legal effect. If this Initiative is approved by  
10 a majority of the voters but does not receive a greater number of affirmative votes than any  
11 other measure appearing on the same ballot establishing minimum wage rates, this Initiative  
12 shall take effect to the extent not in conflict with said measure or measures.

13 APPROVED AS TO FORM:

14 DENNIS J. HERRERA, City Attorney

15  
16 By:

17 FRANCESCA GESSNER  
Deputy City Attorney

18 n:\legana\as2014\1400571\00932825.doc







